FEDERAL REGISTER

VOLUME 7 NUMBER 206

Washington, Tuesday, October 20, 1942

The President

EXECUTIVE ORDER 9257

ENLARGING NAVAL PETROLEUM RESERVE No. 1

CALIFORNIA

By virtue of the authority vested in me as President of the United States, and in effectuation of the purposes of the act of June 30, 1938, entitled "An Act to amend the part of the Act entitled 'An Act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes', approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserve" (52 Stat. 1252), it is ordered as follows:

1. The exterior boundaries of Naval Petroleum Reserve No. 1 are hereby extended to include all lands within the areas hereinafter described, in Kern County, California.

2. Subject to valid existing rights, all public lands within such areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved as part of the said Naval Petroleum Reserve No. 1.

3. All lands within such areas hereafter acquired by the United States shall, immediately upon the acquisition of title thereto, become and be reserved as part of the said Naval Petroleum Reserve No. 1.

MOUNT DIABLO BASE AND MERIDIAN

T. 30 S., R. 24 E.,
Secs. 21 and 22, all;
Sec. 23, S½NW¼NW¼, S½NW¼, and SW¼NE¼;
Sec. 24, S½SW¼ and SW¼SE¼;
Secs. 25, 26, 27, 35 and 36, all.
T. 30 S., R. 25 E.,
Sec. 31, W½.
T. 31 S., R. 25 E.,
Sec. 6, W½.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 15, 1942.

[F. R. Doc. 42-10444; Filed, October 16, 1942; 2:49 p. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

REAPPOINTMENT AND REINSTATEMENT, AMENDMENT

Section 18.8 *Reappointment and reinstatement* issued, as amended, on September 26, 1942 (7 F.R. 7723) is amended to read as follows:

§ 18.8 *Reappointment and reinstatement.* Subject to the prior approval of the Commission, a former civilian employee of the executive branch of the Federal government may be reinstated (or reappointed) by war service appointment to any position which is covered by these regulations and for which he establishes the requisite qualifications. Such reinstatement must be for actual service and not primarily for the purpose of bringing the person within the provisions of the Civil Service Retirement Act, as amended.

Persons reinstated under this section will be required to serve a trial period of one year in accordance with § 18.5 (c) of this chapter. (E.O. 9063, 7 F.R. 1075)

NOTE: This section supersedes Civil Service Rule IX, 5 CFR, Part 9, with respect to positions covered by these regulations.

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

OCTOBER 13, 1942.

[F. R. Doc. 42-10520; Filed, October 19, 1942; 11:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

COOPERATIVE BANK COMMISSIONERS

Section 3.50 of Title 6, Code of Federal Regulations, as amended (6 F.R. 2213), is hereby further amended to read as follows

§ 3.50 *Functions, powers, authority and duties of the Cooperative Bank:*

(Continued on next page)

CONTENTS

THE PRESIDENT

REGULATIONS AND NOTICES

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

Commissioner, Deputy Cooperative Bank Commissioners, and Assistant Deputy Cooperative Bank Commissioners. The Cooperative Bank Commissioner shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all functions, powers, authority, and duties pertaining to the administration of the provisions of law relative to the Central Bank for Cooperatives and the district banks for cooperatives.

J. D. Lawrence, Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner is unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause, and with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner, J. P. Strong, Deputy Cooperative Bank Commissioner, and W. C. Frazee, Assistant Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause.

J. P. Strong, Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner is unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause, and with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner, J. D. Lawrence, Deputy Cooperative Bank Commissioner, and S. Y. McConnell, Assistant Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause.

S. Y. McConnell, Assistant Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner, and J. D. Lawrence, Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause, and with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner, J. P. Strong, Deputy Cooperative Bank Commissioner, W. C. Frazee, Assistant Deputy Cooperative Bank Commissioner, and J. D. Lawrence, Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause.

W. C. Frazee, Assistant Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner and J. P. Strong, Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause, and with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner, J. D. Lawrence, Deputy Cooperative Bank Commissioner, S. Y. McConnell, Assistant Deputy Cooperative Bank Commissioner, and J. P. Strong, Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause. (E.O. 6084, Mar. 27, 1933; 6 CFR 1.1 (m), Sec. Memo. 846, Jan. 6, 1940, and Sec. 80 (b), 48 Stat. 273; 12 U.S.C. 638 (b).)

Section 3.51 of Title 6, Code of Federal Regulations, as amended (6 F.R. 2213), is hereby revoked.

[SEAL] A. G. BLACK,
Governor.

[F. R. Doc. 42-10502; Filed, October 19, 1942; 10:05 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 7—MANUFACTURE OF DECORATIONS

GOOD CONDUCT MEDALS, ETC.

Sections 7.1, 7.3 (a) and 7.4 are hereby amended to read as follows:

The regulations in §§ 7.1, 7.3 (a) and 7.4 are also contained in AR 600-90, Dec. 31, 1940, as amended by C 1 Sept. 19, 1942, the particular paragraphs being shown in brackets at the end of sections.

§ 7.1 *General.* Under the authority contained in the act of February 24, 1923 (42 Stat. 1286) as amended by act of April 21, 1928 (45 Stat. 437); 10 U.S.C. 1425; M.L. 1939, Sec. 925, and the act of June 29, 1932 (47 Stat. 342); as amended by the act of May 22, 1939 (53 Stat. 752) 18 U.S.C. 76a, 76b; M.L. 1939, sec. 925, The Adjutant General, under regulations herein prescribed, upon recommendation by the Chief of Army Exchange Service, may grant certificates of authority for the sale or the manufacture and sale of the articles enumerated in § 7.3. Existing certificates of authority for the sale or the manufacture and sale of the articles enumerated in § 7.3 will remain in effect until their respective expiration dates (42 Stat. 1286 as amended by 45 Stat. 437, 47 Stat. 342 as amended by 53 Stat. 752; 10 U.S.C. 1425; 18 U.S.C. 76a, 76b) [Par. 2]

§ 7.3 *Medals, etc.* (a) Authority may be granted to sell or to manufacture:

(1) Good conduct and service medals.

(2) Good conduct and service ribbons or extra ribbons pertaining to the good conduct and service medals and to the several War Department decorations.

(3) Authorized miniature replicas of the War Department decorations, miniature oak-leaf clusters, service medals, and suspension ribbons of decorations and good conduct and service medals.

(4) Lapel buttons pertaining to Good Conduct Medal and lapel buttons and lapel ribbons pertaining to the several decorations and service medals.

(5) Lapel buttons to be worn as evidence of military service.

(6) Clasps pertinent to Good Conduct Medal and clasps and bronze stars pertinent to the Victory Medal.

(7) Badges and bars awarded by the War Department for marksmanship, gunnery, bombing, etc.

(8) Aviation badges.

(9) War Department General Staff identification.

(10) Identification badge, Organized Reserves.

(11) Fourragere.

(12) Rosette for Medal of Honor.

(13) Heroic size decorations or service medals for grave markers only, no smaller than twice the size of the full-size devices.

(14) All insignia prescribed or authorized by the War Department. [Par. 4a]

* * * * *

§ 7.4 *Application required.* Each applicant for a certificate of authority of the renewal of certificate of authority to sell or manufacture and sell the articles or any of the articles enumerated in § 7.3 will address the Chief of Army Exchange Service, Washington, D. C., and state whether authority for sale only or for manufacture and sale thereof is desired. (42 Stat. 1286 as amended by 45 Stat. 437, 47 Stat. 342 as amended by 53 Stat. 752; 10 U.S.C. 1425; 18 U.S.C., 76a, 76b) [Par. 5]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10476; Filed, October 17, 1942; 11:38 a. m.]

Chapter II—Aircraft

PART 21—USE OF ARMY AIRCRAFT

AUTHORIZATION TO CARRY PASSENGERS, ETC.

Section 21.3 (a) (1) (iii) and (b) and 21.4 (a) are hereby amended and § 21.3 (a) (1) (iv) is rescinded, as follows:

§ 21.3 *Passengers in aircraft: Authorization.* (a) Commanding officers of Army Air Forces stations or higher authority in the chain of command are authorized to permit personnel of the following categories to ride as passengers in Army aircraft under their control in the following circumstances:

(1) On flights which may extend beyond the local flying area:

* * * * *

(iii) Civilian employees of the War Department, of other Government agencies, of Government contractors, and technical advisers to military authorities engaged in activities for the Army which require such flight.

(iv) [Rescinded]

* * * * *

(b) The commanding general of any theater, or any department, defense command, task force, or base command, outside the continental limits of the United States may authorize any person to ride as a passenger in Army aircraft under his control when, in the opinion of such commanding general, this action is necessary or desirable in the Government interest. This authority may be delegated by commanders mentioned above to subordinate commanders. (R.S. 161; 5 U.S.C. 22) [Par. 5a, AR 95-90, July 24, 1942, as amended by C 2, October 6, 1942]

* * * * *

§ 21.4 *Release from claim for injury or death.* (a) Civilians specified in § 21.3 (a) (1) (ii), (2), (3) (iii), (b), and (c) (3) will be required to sign the release form specified in (b) below, unless under the provisions of these regulations they are exempted from signing the form. Persons specified in § 21.3 (a) (1) (vii) will, when practicable, be required to sign the release form specified in paragraph (b) of this section, unless under the provisions of these regulations they are exempted from signing the form. (R.S. 161; 5 U.S.C. 22) [Par. 5a, AR 95-90, July 24, 1942, as amended by C 2, October 6, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10475; Filed, October 17, 1942; 11:33 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

INSTALLMENT SALES; CHARGE ACCOUNTS

On October 14, 1942, the Board of Governors of the Federal Reserve System amended Part 222 in the following re-

spects to become effective October 26, 1942:

1. Section 222.4 entitled *Installment sales*[1] is amended by adding the following new paragraph:

§ 222.4 *Instalment sales.* * * *

(e) *"Approvals", "demonstrators", etc.* In case a listed article is delivered in anticipation of an instalment sale of that article or a similar article (such as a delivery "on approval", "on trial", or as a "demonstrator"), the registrant shall require, at or before the time of such delivery, a deposit equal to the down payment that would be required on such an instalment sale.

2. Section 222.5 entitled *Charge accounts*[2] is amended by adding the following two new paragraphs (g) and (h), and by changing paragraph (f) to read as follows:

§ 222.5 *Charge accounts.* * * *

(f) *"Authorization" of small items.* In case a registrant makes a charge sale of a listed article the cash price of which is $5.00 or less, he shall not be deemed to have violated § 222.5 (b) if the person authorizing such sale on behalf of the Registrant acts in good faith without knowledge that the customer's charge account is in default, provided the registrant, promptly upon discovery that such charge account is in default and in any event within 15 days from the date of sale, makes a request of the customer that he either return the article or else pay for it in full immediately.

(g) *Small defaults.* A charge account shall not be deemed to be "in default" within the meaning of §§ 222.5 (c) or 222.12 (m) if the amount in default is less than $2.00.

(h) *"Approvals", "demonstrators", etc.* When a charge account is in default, the registrant shall not deliver any listed article to the obligor in anticipation of a sale of that article or a similar article (such as a delivery "on approval", "on trial", or as a "demonstrator"). When a charge account is not in default and the registrant makes such a delivery of any article, the delivery (unless it is in anticipation of an instalment sale) shall be treated for the purposes of this regulation as a charge sale made on the date of the delivery.

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; sec. 301, Pub. Law 354, 77th Congress; 12 U.S.C. 95 (a) and Sup., and E.O. No. 8843, dated August 9, 1941)

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-10465; Filed, October 17, 1942; 10:50 a. m.]

[1] 7 F.R. 3352.
[2] 7 F.R. 3352.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Orders, Serial No. 1982]

ORDER PERMITTING THE ADMINISTRATOR TO DESIGNATE IDENTIFICATION MARKS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of October 1942.

It appearing to the Board:

1. That in the coastal areas of and in other places in the continental United States, flight of aircraft other than military aircraft and aircraft used in scheduled air transportation has been restricted by the creation of vital defense areas; and

2. That certain public aircraft registered pursuant to the provisions of section 501 of the Civil Aeronautics Act of 1938, as amended, owned or operated by agencies of the Federal Government of the United States, are subject to these restrictions; and

3. That pilots of such aircraft encounter difficulties in obtaining clearance to fly into or through such vital defense areas, which difficulties arise largely from the fact that the said aircraft bear civil identification marks; and

4. That the Administrator is not permitted to assign to such aircraft other or different identification marks than those set forth in § 60.32 of the Civil Air Regulations; and

5. That the difficulty in obtaining clearance for such aircraft into or through vital defense areas impedes the war effort;

The Board finds that its action is necessary to the war effort;

Now therefore, pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended: *It is ordered:*

Notwithstanding the limitations contained in § 60.32 of the Civil Air Regulations, the Administrator may assign, upon application by the registered owner, or by the operator with the consent of the registered owner, to any public aircraft owned or operated by the Federal Government of the United States or any agency thereof, an identification mark consisting of any number, letter, symbol, or combination thereof as he in his discretion may see fit, *Provided:*

1. That the Administrator find in each case that the assignment of such an identification mark will promote the war effort;

2. That any authorization granted hereunder shall expire not later than midnight of the last day of the sixth full calendar month after the expiration of the war;

3. That prior to assigning any such identification mark the Administrator shall ascertain that the consent of the armed forces of the United States has been obtained for the display on the particular aircraft of the identification proposed to be assigned; and

4. That any authorization given hereunder shall be limited to the display of such identification mark within the continental limits of the United States only, unless such number, letter, or symbol be preceded by the roman capital letter N; and

5. That any aircraft bearing identification marks pursuant to an authorization granted hereunder shall be subject to the provisions of the Civil Air Regulations to the same extent as though it were identified as an "NC" aircraft.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10524; Filed, October 19, 1942; 11:53 a. m.]

[Amendment 21-10 Civil Air Regulations]

PART 21—AIRLINE TRANSPORT PILOT RATING

REEXAMINATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of October 1942.

Acting pursuant to sections 205 (a), 601 and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 14, 1942, Part 21 of the Civil Air Regulations is amended as follows:

1. By striking § 21.29 and inserting in lieu thereof the following:

§ 21.29 *Reexamination.* (a) An applicant who has failed any prescribed theoretical examination may apply for reexamination at any time after the expiration of 30 days from the date of such failure or after he has received not less than 5 hours instruction in each subject failed from a person employed by an airline to instruct in such subject or from whichever one of the following persons is appropriate:

(1) A certificated airline transport pilot;

(2) A certificated ground instructor rated for the subject;

(3) A person qualified to instruct in the theory of instrument flight.

(b) An applicant who has failed to pass any prescribed practical examination or test may apply for reexamination only after (1) he has logged at least 5 additional hours of flying solely by instruments and at least 5 additional hours of dual flight instruction with a certificated flight instructor or a certificated airline transport pilot, or (2) he has acquired such part of the above practice or instruction as may, in the opinion of the Administrator, warrant reexamination. Upon meeting the requirements of this paragraph (b) an applicant for reexamination shall be deemed to meet the 5 hours solo flight time requirements set forth in § 21.161 (b).

(c) Applicant shall present a statement from the instructor indicating that he has given the required instruction and that he deems the applicant qualified to pass the flight test or that part of the theoretical examination in which such instruction was given, whichever is appropriate.

2. By amending the table of contents to conform to this amendment.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10522; Filed, October 19, 1942; 11:53 a. m.]

[Amendment 61-41, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

WEATHER REPORTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of October 1942.

Acting pursuant to sections 205 (a), 601, and 604 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 14, 1942, Part 61 of the Civil Air Regulations is amended as follows:

By striking the phrase "15 minutes" as it appears in § 61.602 (c) and inserting in lieu thereof the phrase "30 minutes."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10523; Filed, October 19, 1942; 11:53 a. m.]

[Amendment 61-40, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

INSTRUMENT FLIGHT; TRIAL APPROACHES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of October 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 1, 1942, Part 61 of the Civil Air Regulations is amended as follows:

By adding a new § 61.7302 to read as follows:

§ 61.7302 No pilot shall, at any airport, let-down below his last approved cruising altitude when he has received United States Weather Bureau information indicating that either the ceiling or visibility is below the authorized minimum for landing at that airport.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10521; Filed, October 19, 1942; 11:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4626]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GRAND RAPIDS FACTORY SHOW ROOMS, INC., ET AL.

§ 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place:* § 3.96 (b) *Using misleading name—Vendor—Products.* In connection with offer, etc., in commerce, of furniture, and among other things, as in order set forth, (1) using the words "Grand Rapids", or any simulation thereof, as a part of respondents' corporate or trade name, or otherwise representing, directly or by implication, that the furniture sold by respondents is obtained principally from Grand Rapids, Michigan; (2) using the words "Grand Rapids", or any simulation thereof, to designate, describe, or refer to furniture which is not in fact manufactured in Grand Rapids, Michigan; and (3) misrepresenting in any manner the place of origin or manufacture of respondents' furniture; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Grand Rapids Factory Show Rooms, Inc., et al., Docket 4626, October 12, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Direct dealing advantages:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Direct dealing advantages:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Producer status of dealer:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Retail as dealer's or wholesale:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others.* In connection with offer, etc., in commerce, of furniture, and among other things, as in order set forth, (1) using the term "Factory Show Rooms", or any other term of similar import, as a part of respondents' corporate or trade name, or otherwise representing that respondents' place of business is a factory show room; and (2) using the phrase "Direct from factory to you", or any other phrase of similar import, to designate, describe or refer to the character of respondents' business, or otherwise representing that respondents own or operate a factory or that respondents' furniture is sold direct from the factory to the consumer, or that the prices at which respondents sell their furniture are wholesale prices; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Grand Rapids Factory Show Rooms, Inc., et al., Docket 4626, October 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 12th day of October, A. D. 1942.

In the Matter of Grand Rapids Factory Show Rooms, Inc., and Morris Zisblatt, Meyer Zisblatt, Sam Zisblatt, and Lillian Zisblatt.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents Grand Rapids Factory Show Rooms, Inc., Meyer Zisblatt and Sam Zisblatt (service of the complaint not having been obtained upon the other respondents), in which answer said respondents admit all the material allegations of fact set forth in said complaint, except as to the continuation in business after June, 1940, of the respondent Grand Rapids Factory Show Rooms, Inc., and state that they waive all intervening procedure and further hearing on said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That said respondents, Grand Rapids Factory Show Rooms, Inc., a corporation, and its officers, and Meyer Zisblatt and Sam Zisblatt, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of furniture in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Grand Rapids," or any simulation thereof, as a part of respondents' corporate or trade name, or otherwise representing, directly or by implication, that the furniture sold by respondents is obtained principally from Grand Rapids, Michigan.

2. Using the words "Grand Rapids," or any simulation thereof, to designate, describe, or refer to furniture which is not in fact manufactured in Grand Rapids, Michigan.

3. Misrepresenting in any manner the place of origin or manufacture of respondents' furniture.

4. Using the term "Factory Show Rooms," or any other term of similar import, as a part of respondents' corporate or trade name, or otherwise representing that respondents' place of business is a factory show room.

5. Using the phrase "Direct from factory to you," or any other phrase of similar import, to designate, describe or refer to the character of respondents' business, or otherwise representing that respondents own or operate a factory or that respondents' furniture is sold direct from the factory to the consumer, or that the prices at which respondents sell their furniture are wholesale prices.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That this proceeding be, and it hereby is, closed as to respondents Morris Zisblatt and Lillian Zisblatt without prejudice to the right of the Commission, should the facts so warrant, to reopen the proceeding and resume trial thereof in accordance with its regular procedure.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-10466; Filed, October 17, 1942; 11:06 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC-27]

PART 27—CANNED FRUIT: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY AND FILL OF CONTAINERS

CANNED FRUIT COCKTAIL

ORDER POSTPONING EFFECTIVE DATE OF REGULATION

A regulation fixing and establishing a definition and standard of identity for canned fruit cocktail having been promulgated by order dated July 17, 1942,[1] and

A public hearing having been held on an application in behalf of a substantial portion of the canned fruit cocktail industry requesting that said regulation be amended, and the evidence of record at that hearing being now under consideration,

It is ordered, That the effective date of said regulation promulgated by said order dated July 17, 1942, be and it hereby is postponed until such time as the Administrator, by order, takes action with respect to said application for an amendment to said regulation, and said regulation shall become effective as provided in said order.

[SEAL] WATSON B. MILLER, *Acting Administrator.*

OCTOBER 16, 1942.

[F. R. Doc. 42-10471; Filed, October 17, 1942; 11:27 a. m.]

[1] 7 F.R. 5542.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1619]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-II, and § 328.34 (*General*

prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; Commencing forthwith, the Shipping Point, Railroad and Freight Origin Group appearing in the aforesaid Supplement R–I for the coals of Mine Index No. 5497 shall be as therein shown instead of the Shipping Point, Railroad and Freight Origin Group heretofore applicable to this mine; Commencing forthwith, the Shipping Point appearing in Supplement R–II for the coals of Mine Index No. 3261 shall be as therein shown instead of the Shipping Point heretofore applicable for this mine; Commencing forthwith, the Seam Designation appearing in Supplement T for the coals of Mine Index No. 5609 shall be as therein shown instead of the Seam Designation heretofore applicable to this Mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 29, 1942.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group numbers: For destinations other than Great Lakes — 1 2	3 4	5 6	7	8	9	10	11 12 13 14	15 16 17	18 19 20 21	22	23	24	25	26	27
5497	Birchfield, W. M.	Birchfield No. 2	Elkhorn No. 2	1	Heilier, Ky.#	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5474	Burning Springs Collieries Co.	Burning Creek	Warfield	8	Kermit, W. Va.	N&W	139	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	L	(†)	(†)	(†)	(†)	(†)	(†)
1340	Cook, Archie	Archie Cook	Hazard No. 4	3	Whitesburg, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5498	Cook, Archie	Archie Cook No. 3	Whitesburg	3	Whitesburg, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5707	Crawford Mining Co., c/o L. L. Shivers.	Crawford No. 2	Bon Air No. 2	6	Crawford, Tenn.	T.C.	210	P	P	M	L	K	J	M	H	G	G	(†)	(†)	(†)	(†)	(†)	(†)
5547	Cutshin Coal Co.	Cutshin No. 1	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
3120	Cutshin Coal Co.	Hi-Light No. 2	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
1758	Cutshin Coal Co.	Hiram Prater No. 3	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5549	Cutshin Coal Co.	Holton No. 4	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5197	Cutshin Coal Co.	Charley Baker No. 5	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5576	Cutshin Coal Co.	H. Y. Baker No. 6	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5199	Cutshin Coal Co.	Chris Day No. 8	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5709	Cutshin Coal Co.	Old Daley No. 9	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5703	Cutshin Coal Co.	Felix Day No. 10	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
1297	Cutshin Coal Co.	Ritchie No. 11	Hazard No. 4	3	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5707	Cutshin Coal Co.	Cutshin No. 12	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5550	Cutshin Coal Co.	Cutshin No. 14	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5706	Cutshin Coal Co.	Cutshin No. 15	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5695	Cutshin Coal Co.	Cutshin No. 16	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5693	Cutshin Coal Co.	Cutshin No. 17	Hazard No. 4	3	Combs, Ky.	L&N	160	K	K	J	H	G	E	G	D	D	K	(†)	(†)	C	C	C	C
5693	Cutshin Coal Co.	Cutshin No. 18	Hazard No. 4	6	Combs, Ky.	L&N	160	K	K	J	H	G	E	G	D	D	K	(†)	(†)	C	C	C	C
5699	Danelson, Ben	Cliffy No. 4	Sewanee	6	Crossville, Tenn.	T.C.	72	P	P	M	L	K	J	M	H	G	J	(†)	(†)	(†)	(†)	(†)	(†)
5645	Goodloe, H. A.	East End Coal Co. #2	Pond Creek	8	Williamson, W. Va.	N&W	139	Q	Q	M	L	H	F	H	G	G	J	(†)	(†)	(†)	(†)	(†)	(†)
5690	H. & H. Coal Co. (George L. Hillman).	H & H. Coal Co. No. 2.	Norton	7	Tacoma, Va.	N&W	20	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C
2103	Laxton, Sherman	Sherman Laxton	No. 3	6	Oneida, Tenn.	Tenn.	71	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)
2212	Miller, Carl	Carl Miller No. 1	Upper Banner	7	Swords Creek, Va.	N&W	20	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
603	Miller, Carl	Carl Miller No. 2	Widow Kennedy	7	Swords Creek, Va.	N&W	20	K	K	E	J	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5659	Swallows & Eldridge Coal Co. (J. W. Swallows).	Swallows & Eldridge	Bon Air No. 2	6	Crawford, Tenn.	T.C.	210	P	P	M	L	K	J	M	H	G	G	(†)	(†)	(†)	(†)	(†)	(†)
5693	Tway Coal Co., R. C.	Bland	Harlan	2	Bland, Ky.	L&N	80	J	J	H	G	F	D	D	B	C	F	K	(†)	A	C	B	B	C
3365	Wells, Riley	Wells No. 7	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C
5691	Wilson, Tom	Wilson No. 1	Sewanee	6	Crossville, Tenn.	T.C.	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)
5692	Wilson, Tom	Wilson No. 2	Sewanee	6	Crossville, Tenn.	T.C.	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)
5694	Wyatt, H. L. & Orll Copeland (H. L. Wyatt).	Wyatt & Copeland	Isoline	6	Campbell Jct., Tenn.	T.C.	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group numbers: For Great Lakes cargo only — 1 2	3 4	5 6	7	8	9	10	16 17	18 19 20 21	22	24	25	26	27
5497	Birchfield, W. M.	Birchfield No. 2	Elkhorn No. 2	1	Heilier, Ky.#	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5474	Burning Springs Collieries Co.	Burning Creek	Warfield	8	Kermit, W. Va.	N&W	139	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	L	(†)	(†)	(†)	(†)	(†)
1340	Cook, Archie	Archie Cook	Hazard No. 4	3	Whitesburg, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5498	Cook, Archie	Archie Cook No. 3	Whitesburg	3	Whitesburg, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5707	Crawford Mining Co., c/o L. L. Shivers.	Crawford No. 2	Bon Air No. 2	6	Crawford, Tenn.	T.C.	210	P	P	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5547	Cutshin Coal Co.	Cutshin No. 1	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
3120	Cutshin Coal Co.	Hi-Light No. 2	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
1758	Cutshin Coal Co.	Hiram Prater No. 3	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5549	Cutshin Coal Co.	Holton No. 4	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5197	Cutshin Coal Co.	Charley Baker No. 5	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5576	Cutshin Coal Co.	H. Y. Baker No. 6	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5199	Cutshin Coal Co.	Chris Day No. 8	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5709	Cutshin Coal Co.	Old Daley No. 9	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5703	Cutshin Coal Co.	Felix Day No. 10	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
1297	Cutshin Coal Co.	Ritchie No. 11	Hazard No. 4	3	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5707	Cutshin Coal Co.	Cutshin No. 12	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5550	Cutshin Coal Co.	Cutshin No. 14	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5706	Cutshin Coal Co.	Cutshin No. 15	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5695	Cutshin Coal Co.	Cutshin No. 16	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5693	Cutshin Coal Co.	Cutshin No. 17	Hazard No. 4	3	Combs, Ky.	L&N	160	K	K	J	F	D	C	D	C	C	K	(†)	(†)	(†)	(†)	(†)
5693	Cutshin Coal Co.	Cutshin No. 18	Hazard No. 4	6	Combs, Ky.	L&N	160	K	K	J	F	D	C	D	C	C	K	(†)	(†)	(†)	(†)	(†)
5699	Danelson, Ben	Cliffy No. 4	Sewanee	6	Crossville, Tenn.	T.C.	72	P	P	M	H	G	F	H	F	D	J	(†)	(†)	(†)	(†)	(†)
5645	Goodloe, H. A.	East End Coal Co. #2	Pond Creek	8	Williamson, W. Va.	N&W	139	Q	Q	M	H	F	E	H	F	D	J	(†)	(†)	(†)	(†)	(†)
5690	H. & H. Coal Co. (George L. Hillman).	H & H. Coal Co. No. 2.	Norton	7	Tacoma, Va.	N&W	20	O	O	K	F	C	B	D	B	C	F	(†)	(†)	(†)	(†)	(†)
2103	Laxton, Sherman	Sherman Laxton	No. 3	6	Oneida, Tenn.	Tenn.	71	O	O	M	H	F	E	H	F	E	K	(†)	(†)	(†)	(†)	(†)
2212	Miller, Carl	Carl Miller No. 1	Upper Banner	7	Swords Creek, Va.	N&W	20	M	M	K	H	F	C	H	F	D	K	(†)	(†)	(†)	(†)	(†)
603	Miller, Carl	Carl Miller No. 2	Widow Kennedy	7	Swords Creek, Va.	N&W	20	K	K	E	H	E	C	H	F	D	K	(†)	(†)	(†)	(†)	(†)
5659	Swallows & Eldridge Coal Co. (J. W. Swallows).	Swallows & Eldridge	Bon Air No. 2	6	Crawford, Tenn.	T.C.	210	P	P	M	H	G	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5693	Tway Coal Co., R. C.	Bland	Harlan	2	Bland, Ky.	L&N	80	J	J	H	G	F	D	M	H	G	K	(†)	(†)	(†)	(†)	(†)
3365	Wells, Riley	Wells No. 7	Hazard No. 4	6	Combs, Ky.	L&N	160	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5691	Wilson, Tom	Wilson No. 1	Sewanee	6	Crossville, Tenn.	T.C.	72	P	P	M	H	G	F	M	Q	O	(†)	(†)	(†)	(†)	(†)	(†)
5692	Wilson, Tom	Wilson No. 2	Sewanee	6	Crossville, Tenn.	T.C.	72	P	P	M	H	G	F	M	Q	O	(†)	(†)	(†)	(†)	(†)	(†)
5694	Wyatt, H. L. & Orll Copeland (H. L. Wyatt).	Wyatt & Copeland	Isoline	6	Campbell Jct., Tenn.	T.C.	72	P	P	M	H	G	F	M	Q	O	(†)	(†)	(†)	(†)	(†)

#Denotes new shipping point, railroad and Freight Origin group. Shipping point at Elkhorn City, Ky. on C&O and CO&O in Freight Origin group No. 63 shall no longer be applicable.

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group number									
								1	2	3	4	5	6	7	8	9	10
3261	Cub Creek Red Ash Coal Co. (Alvis Roberts)	Cub Creek	9	Red Ash	Panther, W. Va.#	N&W	131	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)

#Denotes new Shipping Point. Shipping Point at Alnwick, W. Va. shall no longer be applicable.
*Indicates previously classified for these size groups.
†Indicates no classification effective for these size groups.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

FOR TRUCK SHIPMENTS

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2" Egg 4" x 6"	Lump 2" & under Egg 3" x 6"	Lump ¾" & under	Egg 2" x 4" Egg 2" x 5"	Stove 3" & under Nut 2" & under	Straight mine run	2" & under Slack	¾" & under Slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
FLOYD COUNTY, KY.											
Gunnell, James	Gunnell	5663	Elkhorn No. 1	285	265	225	230	215	215	165	160
SUBDISTRICT NO. 2—HARLAN											
HARLAN COUNTY, KY.											
Tway Coal Company, R. O.	Bland	5693	Harlan	280	260	225	230	210	215	175	170
SUBDISTRICT NO. 3—HAZARD											
LEE COUNTY, KY.											
Couch, Stanley	Couch	5671	No. 3	275	255	220	225	205	210	155	150
PERRY COUNTY, KY.											
Cutshin Coal Co	Cutshin No. 17	5698	Hazard No. 4	275	255	220	225	205	210	155	150
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
LESLIE COUNTY, KY.											
Cutshin Coal Co	Cutshin No. 18	5699	Hazard No. 4	275	255	220	225	205	210	155	150
CUMBERLAND COUNTY, TENN.											
Derrick, F. A	Haley Mt. No. 3	5702	Nelson%	230	230	205	210	185	195	135	130
Donelson, Ben	Clifty No. 4	5699	Sewanee%	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Wilson, Tom	Wilson No. 1	5691	Sewanee	230	230	205	210	185	195	135	130
Wilson, Tom	Wilson No. 2	5692	Sewanee	230	230	205	210	185	195	135	130
Wyatt, H. L. & Oril Copeland (H. L. Wyatt).	Wyatt & Copeland	5694	Isoline	230	230	205	210	185	195	135	130

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2" Egg 4" x 6"	Lump 2" & under Egg 3" x 6"	Lump ¾" & under	Egg 2" x 4" Egg 2" x 5"	Stove 3" & under Nut 2" & under	Straight mine run	2" & under Slack	¾" & under Slack
				1	2	3	4	5	6	7	8
OVERTON COUNTY, TENN.											
Crawford Mining Co. c/o L. L. Shivers.	Crawford No. 2	5707	Bon Air No. 2	250	230	205	210	185	195	135	130
Swallows & Eldridge Coal Co. (J. W. Swallows).	Swallows & Eldridge	5659	Bon Air No. 2	250	230	205	210	185	195	135	130
SUBDISTRICT NO. 7—VIRGINIA											
SCOTT COUNTY, VA.											
Begley & Summy (R. O. Begley).	Begley & Summy	5665	Upper Banner	265	245	220	220	215	210	155	150
WISE COUNTY, VA.											
H. & H. Coal Co. (George L. Hillman).	H & H. Coal Co. No. 2	5680	Norton	265	245	220	220	215	210	155	150
Wright, J. M.	J. M. Wright	5700	Lower Banner	265	245	220	220	215	210	155	150
SUBDISTRICT NO. 8—WILLIAMSON											
MINGO COUNTY, W. VA.											
Goodloe, H. A.	East End Coal Co. No. 2	5645	Pond Creek	245	225	225	210	200	215	160	155

%Indicates change in seam designation.
*Indicates previously classified these size groups.

[F. R. Doc. 42-10413; Filed, October 16, 1942; 10:26 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 10]

§ 903.18 *Further delegation of authority to the Office of Price Administration with reference to rationing of fuel oil.* (a) In order to permit the efficient rationing of fuel oil, the authority delegated to the Office of Price Administration in § 903.1 Directive No. 1, is hereby extended to include the following:

(1) The exercise of rationing control over the sale, transfer, delivery or other disposition of fuel oil by any person to any consumer, in cases in which either such person or such consumer is within the limitation area, and over the use of fuel oil by any person: *Provided*, That such authority shall not include the power;

(i) To limit or restrict the quantity of fuel oil obtainable by the Army, Navy, Marine Corps, or Coast Guard of the United States or by government agencies or other persons to the extent to which they acquire fuel oil for export to and consumption or use in any foreign country; and

(ii) To deny fuel oil to any person for the operation of oil burning equipment (other than equipment furnishing heat or hot water to any building or structure) for the reason that such equipment can be converted to the use of a fuel other than fuel oil, except where the denial of fuel oil is recommended by the Office of

Petroleum Coordinator for War and approved by the Director General for Operations.

(2) The requiring of the delivery of such coupons, certificates or other evidences as the Office of Price Administration may prescribe, as a condition to the sale, transfer, delivery or other disposition of fuel oil by any person to any other person in cases in which either person is within the limitation area.

(b) The authority of the Office of Price Administration under this supplementary directive shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of fuel oil to, or the acquisition or use of fuel oil by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) The Office of Price Administration is authorized, in accordance with the provisions of Executive Order No. 9125, and to the extent that it may deem necessary to the enforcement of the authority delegated in paragraphs (a) and (b) of this supplementary directive:

(1) To require records and reports and to make audits of the accounts and inspections of the facilities of any person wherever located, involved directly or indirectly in the sale, transfer, delivery, or other disposition of fuel oil to or from any point in the limitation area; and

(2) To require any person wherever located, who is involved, directly or indirectly, at any stage in the distribution of fuel oil which is ultimately sold, transferred, delivered or otherwise disposed of in the limitation area (whether by such person or by other persons), or which is ultimately used in the limitation area, to comply with any rule, regulation or procedure promulgated or established pursuant to the authority delegated in paragraph (a) of this supplementary directive.

(d) As used in this supplementary directive, the term "fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5 and 6, whether or not blended or rebranded, such as Bunker C, Diesel oil, kerosene, range oil, and gas oil. The term also includes any other liquid petroleum product having the same specifications as the above designated grades and used for the same purposes as such grades.

The term "person" means any individual, partnership, corporation, association, government or governmental agency, and any other organized group or enterprise; the term "consumer" means any person who uses fuel oil for any purpose, including use as a component part of any manufactured article, material or compound; the term "limitation area" means the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

(e) This supplementary directive shall become effective October 16, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6660; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10453; Filed, October 16, 1942; 10:38 a. m.]

Subchapter B—Director General for Operations

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Revocation of Limited Preference Rating Order P-107, as Amended]

§ 976.12 *Limited Preference Rating Order P-107.* Limited Preference Rating Order P-107, issued January 22, 1942, as amended March 5, 1942[1] is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6660; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10459; Filed, October 17, 1942; 10:38 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-113]

IDEAL SEATING CO.—IDEAL CAST PRODUCTS CO.

Ideal Seating Company, Grand Rapids, Michigan, is a corporation engaged in the manufacture of public seating. Ideal Cast Products Company, Grand Rapids, Michigan, is a foundry which is operated as a division of Ideal Seating Company. During the months of March, April and June, 1942, the company filed with the War Production Board PD-69 forms requesting allocations of pig iron, which applications contained misrepresentations in that they indicated that non-defense orders bore an A-1-a preference rating. Such misrepresentations constituted violations of General Preference Order M-17[2] and Priorities Regulation No. 1.

During the period from May 5, 1942, to June 19, 1942, the company put into process in the manufacture of theater chairs, quantities of iron in excess of the quantities it was permitted to use for that purpose during that period under the provisions of General Conservation Order M-126.

These violations of General Preference Order M-17, General Conservation Order M-126 and Priorities Regulation No. 1 have impeded and hampered the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered* That:

§ 1010.113 *Suspension Order S-113.* (a) Deliveries of material to Ideal Seating Company, its successors and assigns, or to Ideal Cast Products Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Ideal Seating Company, its successors and assigns, or to Ideal Cast Products Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Ideal Seating Company or Ideal Cast Products Company, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on October 20, 1942, and shall expire on January 20, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6660; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10460; Filed, October 17, 1942; 10:39 a. m.]

PART 1032—DIRECT CONSUMPTION SUGAR

[Revocation of General Preference Order M-55 and Amendments, Interpretations and Supplementary Orders Thereto]

Sec.

The above order, amendments, interpretations, and supplementary orders are hereby revoked.

[1] 7 F.R. 471, 1733.
[2] 6 F.R. 3920, 5254, 5994.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10461; Filed, October 17, 1942; 10:38 a. m.]

PART 1095—COMMUNICATIONS

[Interpretation 1 to Preference Rating Order P-130 as Amended September 8, 1942]

MAINTENANCE, REPAIR, OPERATING SUPPLIES AND OPERATING CONSTRUCTION

The following interpretation is hereby issued by the Director General for Operations with respect to § 1095.3 Preference Rating Order P-130, as amended September 8, 1942.[1]

Question has been asked as to the meaning of the phrase "equipment of a superseded type" as employed in paragraph (a) (7) (i) of Order P-130, as amended September 8, 1942.

Telephone and telegraph equipment is of a "superseded" type, within the meaning of this subparagraph, if it is usable, in its present state of repair, by the operator in a practical manner in his existing plant and is not currently being put into service, and in addition is either:

(a) No longer manufactured or carried by the manufacturer as a regular item for sale to operators; or

(b) Of such character that, were it not for the present and reasonably anticipated service requirements of the war program, the operator would not place it back into service or would dispose of it by sale as usable equipment or as junk.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F.R. Doc. 42-10463; Filed, October 17, 1942; 10:38 a. m.]

PART 1095—COMMUNICATIONS

[Preference Rating Order P-132]

§ 1095.15 *Preference Rating Order P-132*—(a) *Definitions.* For the purposes of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States and any political, corporate, administrative or other division or agency thereof, to the extent engaged in rendering wire telegraph, cable or related communication services (exclusive of such services rendered by operators of telephone communication systems) within, to, or from the United States, its territories or possessions.

(2) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(3) Without regard to whether or not the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair:

(i) "Maintenance" means the upkeep of an operator's property and equipment in sound working condition.

(ii) "Repair" means the restoration, without thereby increasing existing facilities, of an operator's property and equipment which has been rendered unsafe or unfit for service by wear and tear, damage, destruction of parts, or similar cause.

(4) "Operating supplies" means any material which is essential to and consumed in the operation of wire telegraph, cable, or related communication services by an operator but does not include any material which is physically incorporated in whole or in part in the property or equipment of the operator.

(5) Material for maintenance, repair or operating supplies for the purpose of this order shall not include material used for:

(i) The improvement of an operator's property or equipment through the replacement of material which is still usable in the existing property or equipment with material of a better kind, quality, or design;

(ii) Additions to or expansion of the operator's existing property or equipment.

(6) "Operating construction" means:

(i) The use of materials by an operator for construction (other than buildings) occasioned by the connection, disconnection, changes in, or relocation of, wire telegraph or cable apparatus or related equipment to provide service;

(ii) The relocation or installation of central office equipment as a part of the common switching and/or trunking facilities to meet traffic requirements and provide the necessary channels through which the existing traffic load may be trunked and connection established to enable full use to be made of the existing line terminals but not including the addition of line terminals;

(iii) Rearrangements or changes in existing line plant in order to obtain a more effective or fuller use of such plant: *Provided, however,* That no line capacity shall be added thereto.

(7) "Operator's inventory of material" means all items of new and/or salvaged material and supplies on hand whether held for current use or for sale as junk, until physically incorporated into plant by way of maintenance, repair, operating construction or otherwise, and without regard to whether or not such items of material are carried in the operator's accounting records under "Material and Supplies Account," exclusive nevertheless of:

(i) Any equipment of a presently inactive or superseded type, reserved by an operator for re-use as a practical measure of conservation to meet probable future operating contingencies;

(ii) Any material identified for use in projects which have been specifically authorized by the War Production Board upon application of an operator;

(iii) Any operating supplies which are in the process of being consumed by an operator.

(b) *Assignment of preference rating.* (1) Subject to the terms of this order, the following preference ratings are hereby assigned to operators:

(i) A-1-a for deliveries to an operator of material required by him for maintenance, repair, operating supplies, or operating construction;

(ii) For deliveries to an operator of material required by him for the construction of facilities necessary to serve defense projects bearing a rating of A-1-c or better, the same rating as is assigned to such defense project; except that where such project is assigned two or more ratings and both or all of these are A-1-c or better, such deliveries to an operator are assigned the lowest of the ratings assigned to such defense project.

(2) *Application and extensions of ratings.* The ratings assigned by subparagraph (b) (1) above shall be applied and extended in accordance with Priorities Regulations Numbers 1 and 3, as amended from time to time.

(3) In addition to the requirements of paragraph (b) (2) above, an operator:

(i) In order to apply the preference rating assigned by paragraph (b) (1) (ii), shall first file Form PD-683 with the Communications Branch, War Production Board, Washington, D. C., Ref: P-132, setting forth in detail the appropriate information requested on such form, and in addition thereto, such other information as may be from time to time required.

The Director General for Operations will then notify the operator whether and to what extent the application is approved. A copy of such notification shall be furnished by the operator to any supplier to evidence the proper rating granted pursuant to the provisions of this order.

(c) *Restrictions on use of rating.* (1) The preference ratings hereby assigned shall not be applied by an operator:

(i) To obtain deliveries of material containing copper, iron, steel, or nickel where such metals could be eliminated from said material by the substitution of less scarce metals without serious loss of efficiency in the use of said material;

(ii) To obtain material for replacement of equipment and/or facilities except for essential requirements of maintenance, repair or protection of existing service;

(iii) To obtain material for the installation of additional telegraph, cable and related equipment and/or facilities unless the same are reasonably required to meet the known or fairly anticipated demands for telegraph and related service required by persons engaged in direct defense or charged with responsibility for public health, welfare or security including, but not limited to, those in the service categories shown in Sched-

[1] 7 F.R. 7090.

ule A attached, where their employment in direct defense or their responsibilities for public health, welfare or security require such service for the proper discharge of such duties; or unless required to provide for the installation of, or additions to, public telegraph facilities to meet essential public requirements;

(iv) To obtain material for operating construction as defined in paragraph (a) (6) where the cost of material in any single case exceeds $500; or, at the option of the operator and with the approval of the Director General for Operations to obtain material for operating construction as defined in paragraph (a) (6) in excess of a total amount for each calendar quarter as determined by the Director General for Operations upon the application of the operator. In the event an operator elects to comply herewith by the use of this option, and a specific amount of material for operating construction has been approved by the Director General for Operations, then such operator shall be exempt from the provisions as to the use of material for operating construction set forth in paragraph (e) (2) below.

(d) *Reports.* (1) Each operator affected by this order shall execute and file such reports and questionnaires with the War Production Board as may from time to time be requested by the Director General for Operations.

(e) *Restrictions on deliveries, inventory and use.* (1) On and after October 15, 1942, except as provided in paragraph (e) (3) below, no operator who has applied the rating assigned hereby shall at any time accept deliveries of material (whether or not rated pursuant to the provisions of this order) to be used for any purpose:

(i) Until the dollar value of the operator's inventory of material shall have been reduced to a practical working minimum. Such practical working minimum shall in no event exceed 27½% of the dollar value of material used for all purposes during the calendar year 1940.

(ii) Where the receipt thereof shall increase the dollar value of the operator's inventory of material to an amount in excess of normal requirements which in no event shall exceed 27½% of the dollar value of material used for all purposes during the calendar year 1940.

(2) Except as provided in paragraph (e) (3) below, no operator who has applied the rating assigned hereby shall, during any calendar quarterly period, use material for maintenance, repair, operating supplies and operating construction the aggregate dollar value of which shall exceed 110% of the aggregate dollar value of such material used during the corresponding quarter of 1940, or, at the operator's option, 27½% of the aggregate dollar value of such material used during the calendar year 1940.

(3) (i) Any operator whose average value of inventory of material for the five calendar years prior to January 1, 1942, did not exceed $10,000, shall be exempt from the provisions of paragraph (e) (1) above.

(ii) Any operator whose use of material for the year 1942 does not exceed $10,000, shall be exempt from the provisions of paragraph (e) (2) above.

(iii) Material delivered pursuant to paragraph (b) (1) (ii) shall be exempt from the provisions of paragraphs (e) (1) and (e) (2).

(iv) From time to time, the Director General for Operations may determine that certain operators are exempt in whole or in part from the restrictions contained in paragraphs (e) (1) and (e) (2) above.

(f) *Sales of material from excess stock.* Any operator may sell to any other operator material from the seller's excess stocks or inventories: *Provided,* That a preference rating of A-1-c or higher assigned by this order, or any preference rating certificate, order, or other direction issued by the Director General for Operations is applied or extended to the operator selling such material; and any such sale shall be expressly permitted within the terms of paragraph (c) (2) (iii) of Priorities Regulation No. 13.

(g) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(h) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Communications Branch, Washington, D. C. Ref.. P-132.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F. R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

GENERAL CATEGORIES OF WIRE TELEGRAPH AND CABLE SERVICE RELATED TO DIRECT DEFENSE, PUBLIC HEALTH, WELFARE OR SECURITY

1. Official Army, Navy, Marine Corps, Coast Guard, civilian defense services.

2. Official Federal, state, county and municipal government services.

3. Official agencies of foreign governments.

4. (a) Public or private organizations directly serving the public health, welfare or security, such as; hospitals, clinics, sanitoria, air raid warning systems, etc.

(b) Common carriers, pipeline companies, all types of public utilities.

(c) Press associations, newspapers, radio broadcasting stations.

5. Business concerns furnishing material, equipment or facilities under prime or subcontracts to the armed services of the United States, and their suppliers.

[F. R. Doc. 42-10464; Filed, October 17, 1942; 10:39 a. m.]

PART 1035—COMMUNICATIONS

[General Conservation Order L-204]

The fulfillment of requirements for the defense of the United States has created a shortage of materials for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1035.20 *General Conservation Order L-204*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorporated or not.

(2) "Telephone set" means an assemblage of apparatus including a telephone transmitter, a telephone receiver, and their immediately associated devices and wiring for use in telephone communication. It shall not include any telephone set the design and construction of which is substantially different from the telephone sets which have been heretofore manufactured and sold as standard telephone sets, and which has been so designed and constructed as to meet unusual and special requirements for use in combat or for combat equipment, and which is manufactured for delivery to and for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, the Civil Aeronautics Administration; or

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its dominions, Crown Colonies and Protectorates, and Yugoslavia; or

(iii) Any other country, including those of the Western Hemisphere, now or hereafter designated, pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) "Manufacturer" means any person who manufactures or assembles telephone sets. It shall not include any person to the extent that he is engaged in the repair or reconditioning of used telephone sets.

(4) "Factory sales value" means the aggregate net value of all sales of telephone sets including both domestic sales and sales for export, produced by a manufacturer at his regular selling price.

(b) *General restrictions.* (1) Each manufacturer shall limit his production of telephone sets:

(i) During the fifteen-day period beginning on the 17th day of October, 1942, and ending on the 31st day of October, 1942, to 4% of the total factory sales

value of telephone sets produced by him in the calendar year 1941.

(ii) During the second fifteen-day period beginning on the 1st day of November, 1942, and ending on the 15th day of November, 1942, to 2% of the total factory sales value of telephone sets produced by him in the calendar year 1941.

(2) No manufacturer shall produce telephone sets on or after the 16th day of November, 1942.

(c) *Records.* All manufacturers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production and sales of telephone sets.

(d) *Reports.* Each manufacturer affected by this order shall file such reports and questionnaires with the War Production Board as may from time to time be required by the Director General for Operations.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from process or use of, material under priority control, and may be deprived of priorities assistance.

(g) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Communications Branch, Washington, D. C. Ref: L-204.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10462; Filed, October 17, 1942; 10:38 a. m.]

PART 1191—COFFEE

[Amendment 5 to Conservation Order M-135]

Paragraph (f) of § 1191.1 *Conservation Order M-135*[1] is amended to read as follows:

(f) *Advance deliveries.* Within 10 days before the beginning of any quota period, any roaster may make advance delivery of not more than one-fifth of his quota for that period and any wholesale receiver may accept advance delivery of not more than one-fifth of his quota for that period.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10494; Filed, October 17, 1942; 12:37 p. m.]

PART 1001—TIN

[Amendment 1 to General Preference Order M-43, as Amended June 17, 1942]

Paragraph (f) of § 1001.1 *General Preference Order M-43, as amended June 17, 1942*[2] is hereby amended to read as follows:

(f) *Restrictions on sales and deliveries of certain tin products.* Hereafter, except as provided by Priorities Regulation 13, with respect to "special sales", no person shall sell or deliver, and no person shall purchase or accept delivery of any solder having a tin content of more than 16% by weight, any tin-bearing babbitt, tin-bearing foil, or tin oxide, except where such delivery is:

(1) By a seller in the usual course of a retail business in which the seller is regularly engaged; or

(2) In fulfillment of a purchase order to which a preference rating of A-9 or higher shall have been assigned; or

(3) In fulfillment of a purchase order specifying that such material is to be used for maintenance or repair of existing equipment, and carrying a preference rating of A-10; or

(4) Of solder to be used in the manufacture or sealing of cans, as defined in Conservation Order M-81, and subject to all the provisions, limitations and restrictions of Conservation Orders M-81 and M-86, as either may be from time to time amended; or

(5) Of foil having a tin content of not more than 30% by weight, for dental use pursuant to a purchase order to which a preference rating of A-10 shall have been assigned; or

(6) Of foil having a tin content of not more than 16% by weight, for use in electrotyping, pursuant to a purchase order to which a preference rating of A-10 shall have been assigned.

[1] 7 F.R. 3114, 3445, 4451, 4841, 7313.
[2] 7 F.R. 4536.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10516; Filed, October 19, 1942; 11:37 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Amendment 7 of General Imports Order M-63, as Amended June 2, 1942]

1. Section 1042.1 *General Imports Order M-63, as amended June 2, 1942* is hereby amended by making the following changes in List I, List II, and List III:

Change	Material	Commerce import class No.
Add to List I	Red squill	231.65
	Pyrethrum or insect flowers	2202.0
	Pyrethrum or insect flowers, advanced in value or condition	222.31
Move from List I to List II	Wool, apparel, finer than 44s (except on the skin)	3520.0 3521.1 3521.2 3521.3 3522.0 3523.1 3523.2 3523.3 3526.0 3527.1 3527.2 3527.3 3523.0 3529.1 3529.2 3529.3
Add to List II	Silk:	
	Partially manufactured silk, and silk noils exceeding 2 inches in length, not twisted or spun	3799.0
	Raw silk in skeins, reeled from the cocoon, or re-reeled, not wound, doubled, twisted, or advanced	3702.0
	Silk waste	3704.0
	Cocoons	3703.0
	Wild silk or tussah	3702.1
Add to List III	Meats canned, n. e. s., and prepared or preserved meats, n. s. p. f. (include liver paste; also include mutton)	0032.9
	Gum arabic or senegal (Acacia gum)	2101.0
	Gum tragacanth	2102.0
	Gum kadaya (karaya) and talka	2103.0
	Gum ghatti	*N. S. C.
	Coconuts, in the shell	1351.0
	Coconut meat, shredded and desiccated, or similarly prepared	1379.0
	Carpets and carpeting, mats, rugs, art squares, etc., of wool, n. s. p. f.	3660.0-367.57 inclusive
	Pile mats and floor coverings of cocoa fiber	3960.1
	Pile mats and floor coverings of rattan	3960.3
	Matting and articles of cocoa fiber or rattan	3963.0
	Floor coverings of grass or rice straw, not in chief value of cotton	3963.2
	Textile floor coverings, other than wool, cotton, silk, rayon, etc., n. e. s.	3963.6

*N. S. C.=No Separate Class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

2. This amendment shall take effect on October 21, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O.9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10517; Filed, October 19, 1942; 11:37 a. m.]

PART 1153—FLUORESCENT LIGHTING FIXTURES

[Limitation Order L-78, as Amended]

Section 1153.1 *General Limitation Order L-78*[1] is hereby amended to read as follows:

§ 1153.1 *General Limitation Order L-78*—(a) *Definitions.* For the purpose of this order:

(1) "Fluorescent lighting fixture" means any equipment employing, or used in connection with an electric light source (but excluding an incandescent light source) in which (i) visible light for illuminating purposes is produced by the passage of electric current through vaporized mercury, or (ii) visible light for illuminating purposes is produced due to the effects of ultra-violet radiation on substances exposed to such radiation, including, but not limited to the following; (*a*) a hot cathode fluorescent lighting fixture, (*b*) a cold cathode fluorescent lighting fixture, (*c*) a rectified fluorescent lighting fixture, (*d*) a Cooper-Hewitt type fixture, (*e*) a Mercury type fixture, and (*f*) a portable fluorescent lighting fixture known as a mechanic's lamp, and any other portable fluorescent lighting fixture designed for use in conjunction with any industrial machine, tool, assembly bench or other similar factory equipment.

"Fluorescent lighting fixture" does not include any tube, bulb, or replaceable fluorescent starter, or portable lamp, commonly known as bed lamps, floor lamps, wall lamps, table lamps and desk lamps.

(2) "Industrial fluorescent lighting fixture" means a fluorescent lighting fixture which fixture is designed and constructed to illuminate an area of a factory, workshop or similar plant in which area manufacturing, assembling, or other industrial functions are performed.

(3) "Non-industrial fluorescent lighting fixture" means any fluorescent lighting fixture other than an industrial fluorescent lighting fixture.

(4) "Maintenance" means the minimum upkeep necessary to the continued and safe operation of any fluorescent lighting fixture.

(5) "Repair" means the restoration of any fluorescent lighting fixture to a sound working condition after wear and tear, damage, destruction or failure of any part has made it unfit or unsafe for service.

(6) "Blocked inventory" means component parts of fluorescent lighting fixtures or material which has been put in process to manufacture fluorescent lighting fixtures or component parts thereof, which component parts or material was in the possession of any person on April 20, 1942, having been acquired by such person or a predecessor in title of such person, pursuant to orders placed by him or such predecessor in title on or before April 2, 1942.

(7) "Reflector" means that part of a fluorescent lighting fixture which redirects the light emitted from the tube, bulb, tubes or bulbs in such fixture in a desired direction. Reflector does not include a wiring channel, wireway, raceway, or any locknuts, screws, bolts, washers or other devices for the purpose of connecting a reflector to such channel, wireway or raceway.

(b) *Restrictions*—(1) *Manufacture.* Notwithstanding any contract or agreement to the contrary, no person shall manufacture or assemble any fluorescent lighting fixture or any component part of any fluorescent lighting fixture, except:

(i) A fluorescent lighting fixture, other than a rectified fluorescent lighting fixture, or any component part of any fluorescent lighting fixture manufactured or assembled from:

(*a*) Materials which were acquired by him subsequent to February 28, 1942, pursuant to orders or contracts bearing a preference rating of A-1-j or better, or bearing any preference rating assigned under the Production Requirements Plan; provided, however, a non-industrial fluorescent lighting fixture may only be manufactured or assembled from such materials upon written authorization from the Director General for Operations.

(*b*) Materials which were acquired by him subsequent to February 28, 1942, and were in his possession on April 20, 1942, pursuant to orders placed by him on or before April 2, 1942, or

(*c*) Component parts of a fluorescent lighting fixture acquired by him from a person having possession of such component parts on April 20, 1942, pursuant to an order placed by such person having such physical possession on or before April 2, 1942.

(ii) Any component part of a rectified fluorescent lighting fixture, provided that such part is used for purposes of maintenance and repair and is manufactured or assembled from materials acquired by him subsequent to February 28, 1942.

(2) *Manufacture of reflectors for fluorescent lighting fixtures.* On and after October 31, 1942, no person shall manufacture or assemble a reflector containing any metal for a fluorescent lighting fixture, except:

(i) To fill a contract or order for the manufacture, assembly, sale or delivery of a fluorescent lighting fixture entered into by such person prior to October 17, 1942: *Provided,* That notwithstanding any such contract or order, no delivery of any such metal reflector shall be made subsequent to November 16, 1942, but nothing in this paragraph shall prevent the sale and delivery of such metal reflector if completely manufactured or assembled on the date of issuance of this amendment, or if manufactured or assembled for use with a fluorescent lighting fixture of the type set forth in paragraph (a) (1) (ii) (*f*), or

(ii) To manufacture or assemble such reflector for a fluorescent lighting fixture designed and constructed for the operation of a 400 watt or a 3,000 watt mercury vapor tube, bulb, tubes or bulbs, or

(iii) To manufacture or assemble such reflector for a fluorescent lighting fixture employing a hot or cold cathode tube, bulb, tubes or bulbs, and which fixture is specifically designed and constructed to prevent combustible dust from collecting upon such tube, bulb, tubes or bulbs, or other electrical devices of such fixture, in accordance with the specifications established by Article 32 of the National Electrical Code, 1940 Edition, for Class II hazardous locations, or

(iv) To fill a specific purchase order or contract of the Navy of the United States for such reflector to be used on board a ship.

(3) *Sale and delivery.* Notwithstanding any contract or agreement to the contrary, no person shall sell or deliver any new fluorescent lighting fixture (that is any fluorescent lighting fixture which has never been used by an ultimate consumer) or any new component part of any fluorescent lighting fixture, except that:

(i) A person who regularly in the course of his business sells fluorescent lighting fixtures or component parts of fluorescent lighting fixtures, may sell and deliver:

(*a*) Any such fixture or component part to a manufacturer or assembler of fluorescent lighting fixtures, or to any other person who regularly in the course of his business sells fluorescent lighting fixtures or component parts thereof, but only for resale of such fixture, component part or component parts assembled by such other person into a fluorescent lighting fixture; or

(*b*) Any such fixture to any of the following governmental departments or agencies or to any person buying for the account of such departments or agencies: Maritime Commission, Navy Department, War Department, Metals Reserve Company, War Shipping Administration or any corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended;

(ii) And any person may:

(*a*) Sell and deliver, pursuant to an order or contract bearing a preference rating of B-2 or better, a fluorescent lighting fixture which such fluorescent lighting fixture was manufactured or assembled on or before June 1, 1942, or which was manufactured or assembled from blocked inventory;

(*b*) Sell and deliver a fluorescent lighting fixture manufactured or assembled subsequent to June 1, 1942, pursuant to an order or contract bearing a preference rating of A-1-j or better;

[1] 7 F.R. 2579, 8033, 4474, 6934, 7804.

(c) Sell and deliver any component part of any fluorescent lighting fixture, pursuant to an order or contract bearing a preference rating of A–1–j or better, or bearing any preference rating assigned under the Production Requirements Plan;

(d) Sell and deliver a cold cathode fluorescent lighting fixture or a hot cathode fluorescent lighting fixture designed and constructed for the operation of a tube, bulb, tubes or bulbs, no individual tube or bulb to have a rated wattage in excess of 30 watts, which fixture is manufactured or assembled from blocked inventory;

(e) Sell and deliver any component part of any fluorescent lighting fixture: *Provided,* That such person is engaged in the business of the manufacture and assembly of fluorescent lighting fixtures, and that the person purchasing or receiving such fixture is also engaged in the same business, and any such sale and delivery shall be deemed to be permitted under the provisions of Priorities Regulation No. 13;

(f) Sell and deliver any component part of any fluorescent lighting fixture which is sold or delivered for the purposes of maintenance or repair;

(g) Deliver a fluorescent lighting fixture or any component part of any fluorescent lighting fixture to be used solely for purposes of demonstration, test or storage of such fluorescent lighting fixture or component part thereof; and a person having title to a fluorescent lighting fixture or component part thereof may deliver such fluorescent lighting fixture or component part thereof from one branch, division or section of a single enterprise to another branch, division, or section of such enterprise;

(h) Sell and deliver upon authorization of the Director General for Operations, fluorescent lighting fixtures reported by such person on Form PD–499 to be in his inventory as of June 2, 1942 (said form having been received by the War Production Board on or before August 1, 1942): *Provided,* That on such form the type of operation of such person was declared to be that of retailer: *And provided further,* That he shall make application to the War Production Board on Form PD–556 for permission to make such sale and delivery.

(c) *Avoidance of excessive inventories.* No person shall accumulate an inventory of any material (whether raw, semi-processed or processed) for manufacture into any fluorescent lighting fixture in excess of the minimum amount of such material necessary to maintain production of fluorescent lighting fixtures to the extent permitted by this order.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may apply for relief by addressing a letter to the War Production Board.

(i) *Applicability of priorities regulations.* This order as amended and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(j) *Applicability of other orders.* Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(k) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Branch, Washington, D. C., Ref: L–78.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10515; Filed, October 19, 1942; 11:37 a. m.]

PART 3049—SOFTWOOD LUMBER

[Amendment 3 to Conservation Order M–208]

Section 3049.1 *Conservation Order M–208* is hereby amended by striking out "A–1–a" in subparagraphs (3) and (4) of paragraph (a), subparagraph (1) (ii) of paragraph (b), and in the first paragraph of List B, and inserting in lieu thereof "AA–5".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10518; Filed, October 19, 1942; 11:37 a. m.]

PART 3113—PULPWOOD

[General Preference Order M–251]

The fulfillment of requirements for the defense of the United States has created in certain areas and is expected to create in other areas a shortage in the supply for defense, for export and for private account, of wood for pulp and lumber, and has created a shortage in the supply for defense, for export and for private account of various materials and facilities required for the production of pulpwood; and the following order is deemed necessary and appropriate in the public interest and to promote national defense:

§ 3113.1 *General Preference Order M–251*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Pulpwood" includes wood of any species and in any form commonly delivered to a manufacturer of woodpulp for the manufacture of woodpulp, except those species and forms defined in and subject to the following orders of the War Production Board: M–186, M–228, M–229 and M–234.

(3) A "holder of pulpwood" is any person who holds or accumulates pulpwood for manufacture by himself into woodpulp.

(4) To "hold" or "accumulate" pulpwood means to have or obtain control of a supply of pulpwood whether by production or purchase directly by the holder, by production or purchase by an affiliate or subsidiary or by one branch, division or section of a single enterprise or by production or purchase by any other person for delivery to or for the account of the holder.

(c) *Reports of receipts, consumption and inventory of pulpwood.* Each producer of woodpulp shall on or before the 5th day of each month (beginning with the 5th day of November, 1942) file with the Pulp and Paper Branch of the War Production Board, Reference M–251, for each mill operated by him located elsewhere in the United States than in the states of Washington and Oregon, Form PD–656, and for each mill operated by him located in the state of Washington or the state of Oregon, Form PD–661, showing the monthly receipts, consumption and inventory of pulpwood at and for such mill, according to the instructions accompanying such form.

(d) *Control of pulpwood in areas of shortage.* Whenever the Director General for Operations determines that there prevails in any area a shortage in the supply of any type or types of pulpwood required for the production of materials needed in the public interest and for national defense, he may issue a schedule defining such area and such type or types

of pulpwood, and may thereupon, according to the degree of the shortage and the immediacy of the need, and as specified in such schedule,

(1) Allocate specific quantities of pulpwood of the type or types defined held or accumulated in such area from and to specific persons;

(2) Direct holders of pulpwood in such area to maintain in their holdings or accumulations of pulpwood of the type or types defined a stated quantity or percentage, either uniform for all such holders or particular for any, to be known as a "Reserve Supply", available for disposition by the Director General for Operations, from which the Director General for Operations may from time to time authorize or direct the delivery of specific quantities to specific persons and/or the manufacture of specific quantities into the specific products, and the Director General for Operations may in addition from time to time allocate specific quantities of any pulpwood of the type or types defined held or accumulated in such area, although not a part of such "Reserve Supply", from and to specific persons; and provide procedures for applying for and granting such authorizations, directions and allocations;

(3) Direct that no person, or no person of a specified class, may consume, process, deliver or accept delivery of any pulpwood of the type or types defined held or accumulated in such area except upon specific authorization or direction by the Director General for Operations, and provide procedures for applying for and granting such authorization or direction; and/or

(4) Limit or prohibit particular uses of pulpwood of the type or types defined held or accumulated in such area. In any allocation, authorization or direction issued by the Director General for Operations pursuant to clause (1), (2) or (3) of the foregoing paragraph, the Director General for Operations may require the person to whom such allocation, authorization or direction is issued to manufacture, from the pulpwood which is the subject thereof, particular types and quantities of woodpulp or other wood product or impose upon the use of such pulpwood by such person any other conditions necessary and appropriate in the public interest and for national defense. Such allocations, authorizations and directions and any conditions attached thereto, and any limitations or prohibitions issued pursuant to clause (4) of the foregoing paragraph, shall be made to insure the satisfaction of requirements, direct and indirect, for the defense of the United States and for essential civilian supply, may be made in consideration of the possible dislocation of labor, the effect of the local shortage on the national supply of products manufactured from pulpwood and woodpulp, the problems of transporting such products into and out of the area defined, and the necessity of keeping a plant in operation so that it may be able to fulfill war orders and essential requirements, and may be made in the discretion of the Director General for Operations, without regard to preference ratings.

(e) *Miscellaneous provisions* — (1) *Records.* All persons affected by this order shall keep and preserve, for not less than 2 years, complete records concerning their receipts, inventories, and consumption or other disposition of pulpwood.

(2) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(5) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Pulp and Paper Branch, War Production Board, Washington, D. C., Ref.: M-251.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10519; Filed, October 19, 1942; 11:37 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[Order 16 Under § 1499.18 (b) of GMPR, Amendment 1]

ARIZONA BREWING COMPANY

Amendment No. 1 to Order No. 16 under § 1499.18 (b) of the General Maximum Price Regulation, Docket Nos. GF1-228-P, GF1-880-P.

For the reasons set forth in an opinion issued simultaneously herewith it is ordered that in paragraph (a) of § 1499.316, the name "Elder Brau Beer" is amended to read "Arizona Apache Beer."

(e) (1) Amendment No. 1 (§ 1499.316 (a)) to Order No. 16 under § 1499.18 (b) of the General Maximum Price Regulation shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10432; Filed, October 16, 1942; 12:00 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 57 Under § 1499.18 (b) of GMPR]

CASUALS, INC.

Order No. 57 under § 1499.18 (b) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.857 *Denial of application for adjustment of maximum price of certain slippers sold by Casuals, Inc., 224 E. Eleventh Street, Los Angeles, California.* (a) The application of Casuals, Inc., 224 E. Eleventh Street, Los Angeles, California, filed June 29, 1942, and assigned Docket No. GF3-481, requesting permission to increase its maximum prices of certain slippers is denied.

(b) This Order No. 57 (§ 1499.857) shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10431; Filed, October 16, 1942; 11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 78 Under § 1499.18 (c) of GMPR]

BLUE BONNET BAKERY

Order No. 78 under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.928 *Adjustment of maximum prices for one pound loaves of bread manufactured by Blue Bonnet Bakery.* (a) Blue Bonnet Bakery of 101 East Broadway, Brownwood, Texas, may sell and deliver and any person may buy and receive from Blue Bonnet Bakery one pound loaves of bread at a price not exceeding 5½ cents per loaf for sales at wholesale or 6 cents per loaf for sales at retail.

(b) Retailers who purchase one pound loaves of bread at wholesale from Blue Bonnet Bakery may increase their maximum prices for sales at retail of such bread as established under § 1499.2 of the General Maximum Price Regulation by one cent.

(c) The adjustment granted to Blue Bonnet Bakery in paragraph (a) is subject to the following conditions:

(1) Blue Bonnet Bakery shall forthwith by circular or other appropriate means, notify all retailers to whom it sells one pound loaves at wholesale of the adjustment to their maximum prices permitted by paragraph (b) of this Order No. 78.

(2) The maximum prices authorized by this order shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 78 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 78 (§ 1499.928) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 78 (§ 1499.928) shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10433; Filed, October 16, 1942; 12:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 79 Under § 1499.18 (c) of GMPR]

AMERICAN PAPER COMPANY

Order No. 79 under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.929 *Adjustment of maximum prices for sales of twine by the American Paper Company, Richmond, Virginia.* (a) American Paper Company of Richmond, Virginia, is hereby authorized to sell and deliver istle and jute twine, 600 feet to the pound, to coal dealers at a price not exceeding 20⅝ cents per pound.

(b) The maximum price authorized by this order is subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 79 (§ 1499.929) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 79 (§ 1499.929) shall become effective this 17th day of October 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10426; Filed, October 16, 1942; 12:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 97 Under § 1499.3 (b) of GMPR]

EASTHAMPTON RUBBER THREAD COMPANY

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation, Order No. 97.

For reasons set forth in the opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.961 *Approval of maximum prices for sales of plastic thread and tape by the Easthampton Rubber Thread Company.* (a) On and after October 17, 1942, the Easthampton Rubber Thread Company of Easthampton, Massachusetts, may sell and deliver, and any purchaser may buy and receive from the Easthampton Rubber Thread Company, the plastic thread and tape manufactured by the Easthampton Rubber Thread Company, at prices no higher than those hereinafter set forth, f. o. b. factory, with freight allowed to all points east of the Mississippi.

Size:	Price	Size:	Price
8	$1.633	46	$1.863
10	1.643	48	1.872
12	1.652	50	1.881
14	1.66	52	1.90
16	1.67	54	1.946
18	1.679	56	1.991
20-24	1.707	58	2.045
26	1.716	60	2.10
28	1.732	65	2.12
30	1.753	75	2.29
32	1.771	85	2.38
34	1.78	94	2.42
36	1.789	100	2.56
38	1.798	106	2.56
40	1.808	112	2.56
42	1.817	120	2.74
44	1.845		

(b) All discounts, allowances and other trade and freight practices in effect with respect to sales and deliveries of rubber thread and tape during March 1942, by the seller shall remain in effect with respect to the maximum prices authorized by this Order.

(c) Maximum prices herein authorized are applicable only so long as the Easthampton Rubber Thread Company sells, delivers, or transfers no more than a total of 500 pounds a month of the plastic thread and tape referred to in paragraph (a).

(d) On the 15th day of February 1943, and on the 15th day of every third month thereafter, the Easthampton Rubber Thread Company shall submit to the Office of Price Administration in Washington, D. C. a report showing the number of pounds of plastic thread and tape produced and sold during each of the three preceding months included in the report.

(e) This Order No. 97 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 97 (§ 1499.961) shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10427; Filed, October 16, 1942; 11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 98 Under § 1499.3 (b) of GMPR]

THE RESINOUS PRODUCTS AND CHEMICAL CO.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation, Order 98.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.962 *Maximum prices for sales of Resin Product No. HB-100 by The Resinous Products and Chemical Company.* (a) On and after October 17, 1942, the Resinous Products and Chemical Company of Philadelphia, Pennsylvania, may sell and deliver, and any person may buy and receive from the Resinous Products and Chemical Company, the coating resin referred to in the application heretofore filed by that company with the Office of Price Administration for establishment of a maximum price under section 3 (b) of the General Maximum Price Regulation and sold by it under the name of Resin Product No. HB-100, at prices no higher than the following:

(1) *Maximum prices.*

Quantity shipped in single shipments:	Price per pound f.o.b. Bridesburg, Philadelphia, Pa.
Carloads (30,000 pounds minimum)	$0.42
10 drum lots	.425
1-9 drums	.43
Less than drum lots	.46

(2) *Deliveries from warehouse stocks.* Where delivery in 50 gallon drums is made from emergency stocks in Chicago, Cleveland, Boston, Los Angeles and San Francisco to points outside these cities, there may be added ¼¢ per pound to the above listed prices.

(3) *Containers.* No additional charge may be made for containers but a reasonable container deposit may be required, providing such deposit is refunded upon the return of container in good condition within a reasonable time. Transportation charges with respect to the return of empty containers from buyer's plant to the plant of the Resinous Products and Chemical Company, Bridesburg, Philadelphia, Pennsylvania, shall be borne by the Resinous Products and Chemical Company to the extent of minimum freight; transportation charges in excess of minimum freight for the return of empty drums shall be borne by buyer.

(4) All discounts, trade practices, and practices relating to the payment of shipping charges in effect in March, 1942 on the sale by this company of comparable products shall apply to the maximum prices set forth in this paragraph.

(b) On or before February 16, 1943, the Resinous Products and Chemical Company shall submit to the Office of Price Administration in Washington, D. C., a report containing complete cost data with respect to the production and sale of the above product during the ninety-day period from November 2, 1942 to January 31, 1943, such data to include the following:

(1) Cost of raw materials, with breakdown of materials used;

(2) Direct labor costs, based on March 1942 rates;

(3) Factory overhead;

(4) Container costs;

(5) Sales costs;

(6) Administrative expense;

(7) Research and development;

(8) Other (itemize).

(c) This Order No. 98 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 98 (§ 1499.962) shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10428; Filed, October 16, 1942; 11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 99 Under § 1499.3 (b) of GMPR]

MASON CAN CO.

Maximum prices authorized under § 1499.3 (b) of General Maximum Price Regulation, Order No. 99, Docket No. GF 3-398.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.963 *Approval of maximum price for sales of bodies and covers of PB-½ filters by the Mason Can Company.* (a) Mason Can Company of East Providence, Rhode Island, may sell and deliver and the Fram Corporation may buy and receive from the Mason Can Company bodies and covers of PB-½ filters at a maximum price of $93.08 per thousand.

(b) This Order No. 99 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 99 (§ 1499.963) shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10429; Filed, October 16, 1942; 11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 100 Under § 1499.3 (b) of GMPR]

COLLINS AND AIKMAN CORPORATION

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation, Order No. 100.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.964 *Maximum prices for the sale of a cotton buckram type cloth by Collins & Aikman Corporation.* (a) Subject to the restrictions set forth in paragraph (b) of this section, Collins & Aikman Corporation, 200 Madison Avenue, New York, N. Y., may sell, deliver and accept payment for a buckram type cotton cloth of the construction set forth below at a price no higher than that set forth below:

Width (inches)	Cloth count	Weight (ounces)	Price (cents per yard)
50	20 x 16	10	57.63

(b) (1) The maximum price set forth in paragraph (a) of this section shall be applicable only to deliveries made pursuant to a contract of sale entered into on or about March 31, 1942, between the said Collins & Aikman Corporation and A. D. Cohen Co., Inc., 48 West 37th Street, New York, N. Y.

(2) The price set forth in paragraph (a) of this section shall be subject to all the terms and conditions of sale set forth in the contract of sale referred to in subparagraph (1) of this paragraph (b).

(c) This Order No. 100 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 100 shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10430; Filed, October 16, 1942; 11:59 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 237, Amendment 1]

CERTAIN FOOD PRODUCTS AT WHOLESALE

Amendment No. 1 to Maximum Price Regulation No. 237. Adjusted and fixed markup regulation for sales of certain food products at wholesale.

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 237 has been issued and filed with the Division of the Federal Register.*

Section 1351.501 (b) (2) and (b) (3) and § 1351.515 are amended, and § 1351.517a is added; all to read as set forth below:

§ 1351.501 *Applicability of this Maximum Price Regulation No. 237.* (a) * * *

(b) * * *

(2) *Class 2: Cash-and-carry wholesaler.* A cash-and-carry wholesaler is a wholesaler not in Class 1 who customarily distributes food products for resale by independent retail outlets or to commercial, industrial or institutional users without materially changing their form and who does not customarily deliver or extend credit.

(3) *Class 3: Service wholesaler.* A service wholesaler is a wholesaler not in Class 1 who customarily distributes food products for resale by independent retail outlets or to commercial, industrial or institutional users without materially changing their form and who customarily delivers, or delivers and extends credit.

§ 1351.515 *Definitions.* (a) Unless the context or definitions hereinafter set forth otherwise require, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, and in §§ 1499.2 and 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(b) An independent retail outlet shall mean one that is not a unit of four or more retail outlets under one ownership.

§ 1351.517a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.501 (b) (2) and (b) (3), 1351.515 and 1351.517a) to Maximum Price Regulation No. 237 shall become effective on October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10451; Filed, October 16, 1942; 3:43 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 241]

MALLEABLE IRON CASTINGS

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 241 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 241 is hereby issued.

Sec.

AUTHORITY: §§ 1421.101 to 1421.119, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871.

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of malleable iron castings by a specific maximum price regulation.

§ 1421.101 *Maximum prices for malleable iron castings.* (a) On and after October 21, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver malleable iron castings, and no person shall buy or receive malleable iron castings in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1421.116; and no person shall agree, offer, solicit or attempt to do any

[1] 7 F.R. 971, 3663, 6367.

of the foregoing: *Provided,* That (1) if the purchaser shall receive from the seller a written affirmation that to the best of his knowledge, information, and belief the price charged does not exceed the maximum price established by this Maximum Price Regulation No. 241, and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall be deemed to have complied with this section and (2) where the contract of sale has been entered into on or before October 20, 1942, the parties thereto may make and accept deliveries of the castings required or specified in such contract and the seller may render bills or invoices for such castings to the purchaser at the contract price, subject to adjustment of said price in accordance with the maximum prices established by this Maximum Price Regulation No. 241 within a period not to exceed 30 days after the billing or invoicing.

(b) The provisions of paragraph (a) of this section prohibiting purchasers from paying in excess of the maximum prices shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any or every liability, civil or criminal, imposed by this Maximum Price Regulation No. 241 or by the Emergency Price Control Act of 1942, as amended.

(c) The provisions of this section shall not be applicable to sales or deliveries of malleable iron castings to a purchaser if prior to October 21, 1942 such castings have been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1421.102 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 241 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§1421.103 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 241 may be charged, demanded, paid or offered.

§1421.104 *Export sales.* The maximum price at which a person may export any malleable iron castings shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [2] issued by the Office of Price Administration.

§1421.105 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of a malleable iron casting, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such castings:

(a) *As to a tax in effect between October 1 to October 15, 1941.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the period from October 1 to October 15, 1941, inclusive, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 241.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 241.

(b) *As to a tax or increase in a tax which becomes effective after October 15, 1941.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1421.106 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. Where a petition or application for amendment or for adjustment or for exception under § 1421.107 has been duly filed, a seller may make sales, deliveries or offers of sale at prices adjustable in accordance with the disposition of such petition or application and shall refund to the purchaser any moneys or other consideration paid which are in excess of the maximum price.

§ 1421.107 *Petitions and applications for amendment, adjustment or exception.* (a) Any person seeking relief from a maximum price or prices established under this Maximum Price Regulation No. 241 for a particular malleable iron casting or particular group of malleable iron castings, may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Appendix B, incorporated herein as § 1421.117, and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant.

(b) Any person seeking general relief from the maximum prices or from the formula or method of determining maximum prices established under this Maximum Price Regulation No. 241 may present the special circumstances of his case in a petition for an order of adjustment or exception. Such petition shall be filed with the Office of Price Administration, Washington, D. C., in accordance with Procedural Regulation No. 1,[3] and shall set forth the facts relating to the hardship to which such maximum prices or formula or method subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942, as amended and of this Maximum Price Regulation No. 241 to eliminate the danger of inflation.

(c) Persons seeking any modification of this Maximum Price Regulation No. 241 or an adjustment or exception not provided for therein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,[3] issued by the Office of Price Administration.

(d) Supplementary Order No. 9,[4] issued by the Office of Price Administration dealing with applications for adjustment of maximum prices of commodities sold pursuant to Government contracts or subcontracts shall not be applicable with respect to malleable iron castings.

§ 1421.108 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 241 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to malleable iron castings, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement, or other trade understanding or otherwise; without limiting the generality of the foregoing, the price limitations set forth in Maximum Price Regulation No. 241 shall not be evaded by improper classification of any malleable iron castings, improper application of extras, splitting of orders into small quantities or exchange of patterns in order to increase prices, or by decreasing or discontinuance of cash discounts.

§ 1421.109 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 241 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 241 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional office

[2] 7 F.R. 5059, 7242.

[3] 7 F.R. 971, 3663, 6967.

[4] 7 F.R. 5444.

of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1421.110 *Records and reports.* (a) Each person selling malleable iron castings shall preserve and keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942 as amended remains in effect, all available records of prices, costs, pricing methods, delivery charges, allowances and discounts on all sales of malleable iron castings made by such seller during the period from October 1, 1941 to October 20, 1942, inclusive.

(b) Each person making a sale of malleable iron castings on or after October 21, 1942 shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer and seller, (3) the list price, if any, on the date of sale, (4) net price after adjustment for discounts or other allowances, and (5) where the sale is made pursuant to a contract or agreement entered into on or after October 21, 1942, and the total selling price exceeds fifty dollars, summary of the calculations made in computing the maximum price. The data specified in (1), (2), (3) and (4) of this paragraph (b) shall be kept for inspection by the Office of Price Administration for the same period by each person making a purchase of malleable iron castings in the course of trade or business.

(c) Each person making a purchase or sale of malleable iron castings in the course of trade or business shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1421.111 *Filing of prices and pricing methods.* (a) Each person selling malleable iron castings shall file with the appropriate Regional Office of the Office of Price Administration within thirty days after the effective date of this Maximum Price Regulation No. 241, three copies, duly certified as being true and correct copies, of his published price lists in effect between October 1 and October 15, 1941, inclusive, and a statement, duly signed and sworn to, submitted in triplicate, of his customary extras, discounts, and allowances in effect during such period; if such person had no such published price lists or no such customary extras, discounts and allowances, he shall file a sworn statement to that effect with the appropriate Regional Office. A list of the Regional Offices of the Office of Price Administration and the states and territories covered is set forth in Appendix D, incorporated herein as § 1421.119.

(b) Each person selling malleable iron castings shall file with the appropriate Regional Office of the Office of Price Administration within sixty days after the effective date of this Maximum Price Regulation No. 241, information, on and in the detail required by forms which will be made available to him, as to wage rates, overhead rates, cost of materials, profit margins and pricing methods in effect for such seller at each of his foundries between October 1 and October 15, 1941, inclusive, and for such other periods specified in such forms.

§ 1421.112 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any person producing malleable iron castings are or have been sold or otherwise transferred after October 15, 1941, and the transferee carries on the business or continues to produce the same type of malleable iron castings in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record and filing of price provisions, of this regulation.

§ 1421.113 *Maximum price for new sellers other than transferees.* Every person engaged in, or who proposes to engage in, the business of selling malleable iron castings who was not in such business at his present foundry at any time between October 1 to October 15, 1941, inclusive, and who is not a transferee as described in § 1421.112 shall apply to the Office of Price Administration, Washington, D. C., for a method, and shall adhere to the method so given, of determining maximum prices for malleable iron castings sold by him.

§ 1421.114 *Definitions.* (a) When used in this Maximum Price Regulation No. 241 the term:

(1) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C., or such person as he may appoint or designate to carry out any of his duties.

(2) "Appropriate Regional Office" means the Regional Office of the Office of Price Administration for the region in which is located the foundry of the seller.

(3) "Export" or "export sale" means any sale of a malleable iron casting located within the continental United States by a seller in the continental United States to a purchaser outside thereof in which the casting sold is transported from the continental United States to a point outside thereof and includes any sale of the exported casting by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the casting from the continental United States: *Provided,* That it shall not include such a sale if the agent or subsidiary has processed, fabricated or otherwise substantially changed the form of the casting exported, or if the sale by the agent or subsidiary is through a regularly established retail outlet owned or operated by the agent or subsidiary.

(4) "Machinery service" means any operation in the processing, machining, welding, treating, finishing, testing, inspecting, adjusting, maintaining, repairing or rebuilding of a malleable iron casting owned by another or of a product owned by another, which, as a result of such operation, becomes a malleable iron casting.

(5) "Malleable iron castings" means all ferrous castings sold to railroads and other classes of purchasers having a definite ductility resulting from an annealing process and known as malleable iron, pearlitic malleable iron or by a trade name. The term includes such ferrous castings sold either with or without subsequent processing thereon, such as (without limitation), machining, galvanizing, plating and japanning, but does not include malleable iron castings sold by the manufacturer of another commodity as component parts of such other commodity or as repair parts for such other commodity when such repair parts are covered by a maximum price regulation or price schedule other than the General Maximum Price Regulation.

(6) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(7) "Pricing method" means the formula by which the seller computes a price for malleable iron castings, whether such formula is described to the purchaser or is merely the seller's device for computing costs of labor and materials, other costs, and margin, mark-up or profit.

(8) "Published price list" means a list or schedule of prices for a number of malleable iron castings in which such castings are designated either by weight or quantity or both, or by name or pattern number, submitted by the seller to more than one purchaser or prospective purchaser of the types of castings represented in the list or schedule.

(9) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for malleable iron castings during the period from October 1 to October 15, 1941, inclusive, for sales to different purchasers or kinds of purchasers (for example, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(10) "Substantially the same" when used with reference to two or more malleable iron castings, means that they are substantially the same in design, specifications and weight, and that they are produced by the same type of pattern equipment.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1421.115 *Effective date.* This Maximum Price Regulation No. 241

(§§ 1421.101 to 1421.119, inclusive) shall become effective October 21, 1942.

§ 1421.116 *Appendix A: Maximum prices for malleable iron castings*—(a) *Castings substantially the same as those which the seller contracted or agreed to sell between October 1 and October 15, 1941, inclusive, or for which prices were quoted in the seller's published price list during such period.* The maximum price for each such casting shall be the highest net price at which the seller contracted or agreed to sell such casting to a purchaser of the same class between October 1 and October 15, 1941, inclusive, or, if there were no such contract or agreement of sale, the highest net price quoted for such casting to a purchaser of the same class between October 1 and October 15, 1941, inclusive, is the seller's published price list: *Provided,* That if the seller has contracted or agreed to sell or has quoted in his published price list such casting at a particular price to a specified purchaser between October 1 and October 15, 1941, inclusive, he may not exceed such price on sales or deliveries of such casting to the same purchaser. "Net price" means the contract or agreed or quoted price, as the case may be, adjusted for all applicable customary charges, discounts, quantity differentials or other allowances in effect for the seller between October 1 and October 15, 1941, inclusive.

(b) *Castings which are not substantially the same as those which the seller contracted or agreed to sell between October 1 and October 15, 1941, inclusive, or those for which prices were quoted in the seller's published price lists during such period.* The maximum price for each such casting shall be computed by the seller on the following basis:

(1) *Pricing method.* (i) The seller shall employ the applicable pricing method which was in use at the foundry on October 15, 1941, and which has been or will be filed with the Office of Price Administration in accordance with § 1421.111 herein, employing each of the pricing factors reflected in such method at the levels prevailing at such time, except as specified in subparagraphs (3), (4) and (5) hereinbelow, including: labor rates (applied in accordance with subparagraph (2) below); material costs (applied in accordance with subparagraph (3) below); overhead (burden) rates (applied in accordance with subparagraph (4) below); subcontracted machinery service costs (applied in accordance with subparagraph (5) below); mark-up, margin or profit (applied in accordance with subparagraph (6) below).

(ii) The price arrived at by use of the pricing method shall be adjusted for all applicable customary charges, discounts, quantity differentials or other allowances in use at the particular foundry on October 15, 1941, inclusive, in sales to a purchaser of the same class.

(2) *Labor rates.* (i) Labor costs shall be based upon the labor rates prevailing in the foundry on October 15, 1941, for each classification of labor. If at such time average or piece rates were used, such average or piece rates must be applied, and, in computing such piece rates, the seller shall use the base hourly rates and method in effect for him on October 15, 1941.

(ii) The amount of overtime labor required may be taken into account in computing the cost of labor: *Provided,* That overtime labor costs shall be computed on the basis of the labor rates specified in the preceding subparagraph (2) (i) and that no mark-up, margin, overhead or profit factors shall be based upon that part of the labor cost which is in excess of the straight-time cost.

(3) *Direct material costs.* The seller shall compute direct material costs on a basis no higher than the actual costs to him of such materials, not to exceed the applicable maximum prices thereof established by the Office of Price Administration, and, in determining whether items of material costs are direct or indirect, the seller shall employ the same classifications and criteria which he used on October 15, 1941.

(4) *Overhead (burden) rates.* The seller shall determine overhead or burden rates on the basis of labor, material and other costs, for the period from January 1 to June 30, 1942, adjusting, however, labor costs (both direct and indirect) actually incurred during such period according to the allowable labor rates as specified in subparagraph (2) of this paragraph (b). In computing and applying such overhead rates, and in determining whether items of costs are direct or indirect, the seller shall employ the identical method used on October 15, 1941, and, in particular, (i) if his method of computing overhead rates on October 15, 1941 was based in whole or in part on a normal rate of production expressed in terms of tonnage or other measure of production, he shall continue to use such method, and (ii), if his method of computing overhead rates on October 15, 1941, was based in whole or in part on actual production expressed in terms of tonnage or other measure of production, he shall continue to use actual production factors determined by the amount of such production for the period from January 1 to June 30, 1942, inclusive.

(5) *Subcontracted machinery service costs.* To the extent that the pricing method includes or is based on prices paid for subcontracted machinery services, the seller shall use the actual prices paid or to be paid for such services, not in excess of the maximum prices established for such services by the Office of Price Administration, together with such additional charge, if any, as was in effect for such seller on October 15, 1941 for such subcontracted machinery services: *Provided,* That no overhead, mark-up margin or profit may be figured on such additional charge.

(6) *Mark-up, margin or profit.* The seller shall use the mark-up, margin or profit which he used at the foundry on October 15, 1941, for the same type or classification of castings and customers, and which has been or will be filed with the Office of Price Administration in accordance with § 1421.111.

(c) *Reports and recomputation of maximum prices of malleable iron castings priced in accordance with paragraph (b) of this section.* (1) When a seller first computes a maximum price for any such casting for which he has no previous production experience, he shall compute such maximum price in accordance with the provisions of paragraph (b) of this section and he shall employ in his pricing method his best estimates of the number of man-hours of labor, amount of defectives, kinds and quantities of materials and other costs which will be required or incurred in the production of such casting. The seller shall, however, on subsequent contracts of sale for the same casting made after actual production thereof, recompute the maximum price of such casting in accordance with the provisions of paragraph (b) of this section, employing in his pricing method the number of man-hours of labor, amount of defectives, kinds and quantities of materials and other costs actually required or incurred in the production of such casting: *Provided,* That the seller shall not be required to recompute such maximum price as hereinbefore specified after he has gained sufficient production experience with such casting to enable him to calculate his costs thereof with reasonable accuracy.

(2) In any case in which a seller, in accordance with the preceding subparagraph (1) of this paragraph (c), recomputes a maximum price which is higher than the maximum price earlier estimated, he shall file a report with the appropriate Regional Office of the Office of Price Administration containing:

(i) Description of the malleable iron casting;

(ii) The maximum price prior to the price increase;

(iii) The new maximum price;

(iv) An explanation of the higher price (in terms of the pricing method and of the appropriate cost factors reflected in such pricing method): *Provided,* That if the price of the malleable iron casting previously has been reported pursuant to this subparagraph (2) without objection from the Office of Price Administration, the seller shall not be required to report subsequent sales or deliveries at the same or a lower price.

§ 1421.117 *Appendix B: Procedure for adjustment of maximum prices under § 1421.107* (a). (a) An application for adjustment shall be made on, and in the detail required by, forms to be obtained from the Office of Price Administration, Washington, D. C., or from any of its Regional Offices.

(b) *Application must be verified.* An application for adjustment shall be signed by the applicant and shall contain a statement, signed and sworn to by the applicant, that the statements made in the application are known by him to be true and correct.

(c) *Place for filing application and number of copies.* An original and two copies of an application for adjustment may be filed either with the appropriate Regional Office of the Office of Price Administration or with the Office of Price Administration, Washington, D. C. Any application filed in Washington, D. C., may be transmitted by the Office of Price

Administration to the appropriate Regional Office for action by that Office.

(d) *Action by Regional Offices.* After due consideration, the Regional Office may, by order, grant, in whole or in part, or deny any application for adjustment which is properly pending before it. The decision of the Regional Office shall be accompanied by a statement of the reasons for its action. In cases of unusual difficulty or importance, the Regional Office shall refer the application for decision to the Administrator in Washington, D. C.

(e) *Review by Administrator.* Any applicant whose application for adjustment has been denied in whole or in part by the Regional Office may, within fifteen days after the date on which such order of denial was mailed to him, file with the Regional Office a request for review by the Administrator of the order of denial. Requests for review shall be filed on OPA Form 341:1 set out in Appendix C, incorporated herein as § 1421.118. Such form may be obtained from any field office of the Office of Price Administration or may be copied by the applicant from Appendix C.

(f) *Action by Administrator.* After due consideration, the Administrator may, by order, grant in whole or in part, or deny any application for adjustment which:

(1) Is properly before the Administrator on request for review of action by a Regional Office;

(2) Is filed with the Office of Price Administration, Washington, D. C., and not transmitted to a Regional Office for action; or

(3) Is filed with the appropriate Regional Office but is referred for decision to the Administrator by that Office. The decision of the Administrator shall be accompanied by a statement of the reasons for his action.

(g) *Protest of denial of application.* Any applicant whose application for adjustment is denied in whole or in part by the Administrator may, within sixty days after the issuance of the Administrator's order finally denying such application, file a protest against such order in accordance with the provisions of Procedural Regulation No. 1.[1]

§ 1421.118 *Appendix C.*

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

OPA Form 341:1

(To be filed with the appropriate Regional Office)

Request for Review of the Order Denying Application for Adjustment_____, an applicant for adjustment of a maximum price pursuant to § 1421.107 (a) of Maximum Price Regulation No. 241 of the Office of Price Administration, hereby requests the Price Administrator, Washington, D. C., to review an order of denial of such application for adjustment entered by the _____ Regional Office and mailed to the applicant on _____, 194__.

The applicant's objections to such order of denial are as follows:

_____

_____

(Applicant should state briefly and concisely, and separately number his objections.)

_____
(Applicant)

By _____

_____
(Title)

§ 1421.119 *Appendix D.*

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Regional Offices and States and Territories Covered

Region I. Boston Regional Office, 17 Court Street, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

Region II. New York Regional Office, 350 Fifth Avenue, New York, New Jersey, Pennsylvania, Delaware, Maryland, and District of Columbia.

Region III. Cleveland Regional Office, 303 Union Commerce Building, Ohio, Michigan, Indiana, Kentucky and West Virginia.

Region IV. Atlanta Regional Office, Candler Building, Peachtree Street, Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina and Virginia.

Region V. Dallas Regional Office, Fidelity Union Building, Texas, Oklahoma, Louisiana, Missouri, Arkansas, and Kansas.

Region VI. Chicago Regional Office, 2301 Civic Opera Building, 20 North Wacker Drive, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

Region VII. Denver Regional Office, 334 U. S. National Bank Building, Colorado, New Mexico, Utah, Idaho, Montana and Wyoming.

Region VIII. San Francisco Regional Office, 1355 Market Street, California, Nevada, Arizona, Oregon, and Washington.

Region IX. Territorial Office, Office of Price Administration, Washington, D. C., Alaska, Puerto Rico, Virgin Islands, Canal Zone, and Hawaii.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10447; Filed, October 16, 1942; 3:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 30 to GMPR[1]]

SAME OR SIMILAR COMMODITIES OR SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1499.18 (a) the words "same or similar commodities" are amended to read "same or similar commodities or services."

§ 1499.23a *Effective dates of amendments.* * * *

(ee) Amendment No. 30 (§ 1499.18 (a)) to the General Maximum Price Regulation shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10450; Filed, October 16, 1942; 3:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Revised Supp. Reg. 11[1] to GMPR,[2] Amendment 6]

EXCEPTIONS FOR CERTAIN SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1499.46, paragraph (b), a new subparagraph (105) is added as set forth below:

(105) Services supplied by the United States Post Office Department—fees and charges for.

(d) *Effective date.* * * *

(7) Amendment No. 6 (§ 1499.46 (b)) to Revised Supplementary Regulation No. 11 shall become effective this 22d day of October, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10448; Filed, October 16, 1942; 3:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended,[3] Amendment 3]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.* In § 1499.101 (c), subparagraphs (27) and (46) are amended to read as set forth below:

§ 1499.101 *Prohibition against dealing in services above maximum prices.* * * *

(c) *Services covered.* * * *

(27) Furs—alteration, cleaning, dressing, dyeing, mending, moth-proofing, remodeling, rental, repair, storage, or other processing of, but not including services performed by the seller of such commodities in connection with the sale thereof.

* * * * *

(46) Rice—bagging, drying, elevating, grading, granulating, inspecting, milling,

---

[1] 7 F.R. 971, 3663, 6967.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3660, 3930, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, C028, C031, C097, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7753, 7913.

[1] 7 F.R. 6426, 6965.

[2] 7 F.R. 3153, 3330, 3660, 3930, 3991, 4339, 4467, 4659, 4738, 5027, 4276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5734, 6053, 6031, 6097, 6216, 6615, 6784, 6959, 7093, 7322, 7454, 7753, 7913.

[3] 7 F.R. 6423, 6965, 7249, 7539.

parboiling, polishing, sampling, screening, testing, weighing, or other processing of, when done on a toll or a custom basis.

§1499.121a *Effective dates of amendments.* * * *

(c) This amendment No. 3 (§ 1499.101 (c) (27) and (46)) to Maximum Price Regulation No. 165 as amended shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R Doc. 42-10449; Filed, October 16, 1942; 3:42 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[Revised Tire Rationing Regulations,[1] Amendment 38]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Sections 1315.501 (a) (1), 1315.503 (b), 1315.602, 1315.603 (a), 1315.609, 1315.610 (a) and 1315.803 (c) (2) are amended; a new subparagraph (5) is added to § 1315.501 (d), a new subdivision (i) is added to § 1315.503a (a) (1); a new subparagraph (12) is added to § 1315.504 (a) and a new subdivision (iv) is added to § 1315.802 (c) (2), as follows:

Tires and Tubes for Vehicles Eligible Under List B

§ 1315.501 *Eligibility of List B passenger automobiles for retreaded or recapped tires or for new Grade II tires.* (a) (1) The Board may issue a certificate authorizing the holder to accept delivery of retreaded or recapped tires for a passenger automobile or to obtain retreading or recapping services for a tire for a passenger automobile to an applicant who meets the requirements of paragraph (b), (c), and (d) of this section: *Provided, however,* A certificate issued to equip an automobile eligible under subparagraph (12) of § 1315.504 (a) shall authorize the holder to obtain only recapping services and Parts A and B of such certificate shall be marked by the Board "valid only for recapping services."

* * * * *

(d) * * *

(5) That, if he is applying under subparagraph (12) of § 1315.504 (a), he possesses a tire carcass capable of being recapped.

* * * * *

§ 1315.503 *Eligibility of List A and List B passenger automobiles for new passenger tires of an obsolete type.* * * *

(b) The applicant must establish that the vehicle to be equipped is a passenger automobile included in paragraphs (a) to (d) of § 1315.405 or in subparagraphs (1) to (11) inclusive of § 1315.504 (a).

* * * * *

§ 1315.503a *Eligibility of List B Vehicles for Tubes.*

(a) * * *

(1) * * *

(i) A person applying under subparagraph (12) of § 1315.504 (a) shall be granted a certificate for a new tube only if he establishes that the tube will be used in a tire which has been recapped pursuant to a certificate issued under that subparagraph.

* * * * *

§ 1315.504 *Eligibility classifications; List B.* * * *

(a) * * *

(12) Regular transportation of workers to and from their places of employment, provided that at least four passengers including the driver are carried. If the capacity of the automobile is less than four, it must be regularly utilized to its full capacity. Applicants under this subparagraph must possess a recappable tire carcass and shall be issued a certificate for recapping services only.

* * * * *

§ 1315.602 *Application for authority to purchase new passenger tires of an obsolete type.* Any person who operates a passenger automobile using passenger tires of an obsolete type as defined in paragraph (d) of § 1315.503, and who believes that his passenger automobile comes within one of the classifications set forth in paragraphs (a) to (d) of List A or in subparagraphs (1) to (11) inclusive of § 1315.504 (a) may file with the Board an application for authority to purchase new passenger tires of an obsolete type. Separate application for each vehicle requiring new passenger tires of an obsolete type must be made on OPA Form No. R–1 and OPA Form No. R–1A.

§ 1315.603 *List B applications for authority to purchase retreaded or recapped tires or retreading or recapping services or new Grade II Tires.* (a) Any person who believes that his passenger automobile comes within § 1315.504 (a) may file with the Board an application for authority to purchase retreaded or recapped tires, or retreading or recapping services: *Provided, however,* A person applying under subparagraph (12) of § 1315.504 may file an application only for recapping services. Such application shall be filed on OPA Form No. R–1 and OPA Form No. R–1A. A separate application for each passenger automobile for which tires are sought must be filed. Before the Board acts favorably upon any application under this paragraph, the applicant must make a full and complete showing of necessity.

* * * * *

§ 1315.609 *Allotment by the Board upon applications for new passenger tires of an obsolete type.* The Board shall grant a certificate for permission to purchase new passenger tires of an obsolete type to an applicant applying for such tires for a vehicle eligible under paragraphs (a) to (d) inclusive of List A or subparagraphs (1) to (11) inclusive of § 1315.504 (a) and who satisfies the requirements of § 1315.503. The allotment of new passenger tires of an obsolete type is not limited by quota and the Board may allot such tires to all applicants who otherwise satisfy the requirements of these regulations.

§1315.610 *Allotment by the Board upon applications for List B vehicles.* (a) The Board shall grant certificates, not in excess of its applicable quota for the entire month, authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires to be mounted on passenger automobiles eligible under § 1315.504 (a) when the applicant has satisfied the requirements of § 1315.501: *Provided,* That:

(1) No such certificate shall be issued if there is pending any application for a passenger automobile eligible under § 1315.405 (List A) which has not been satisfied.

(2) No certificate shall be issued to a person applying under subparagraph (12) of § 1315.504 (a) if there is pending any unsatisfied application for a passenger automobile eligible under either § 1315.405 (a) (List A) or subparagraphs (1) to (11) inclusive of § 1315.504 (a) (List B).

(i) The Board shall consider applications and issue certificates under subparagraph (12) of § 1315.504 (a) only between the twentieth and last day of each month.

* * * * *

§ 1315.802 *Permitted and prohibited deliveries of retreaded or recapped tires.* * * *

(c) * * *

(2) * * *

(iv) No person shall deliver recapped tires in exchange for Part B of a certificate marked "valid only for recapping services," unless such Part B is accompanied by a recappable carcass.

* * * * *

§ 1315.803 *Permitted and prohibited deliveries of camelback.* * * *

(c) * * *

(2) No delivery provided in subparagraph (1) may be made except in exchange for the replenishment portion of a certificate (Part B of OPA Form No. R–2 (Revised)), or the replenishment portion of a receipt (Part B of OPA Form No. R–12) for either retreaded or recapped tires, recapping services or camelback issued pursuant to § 1315.804, or the replenishment portion (Part B) of the certificate authorizing the purchase of an initial allotment of camelback issued pursuant to § 1315.805. No person shall transfer Part B of OPA Form R–2 (Revised), and no person shall accept such transfer, unless the transferor first endorses his name and address thereon.

(i) Upon presenting the appropriate part of a certificate or receipt, any person may purchase only the type of camelback specified thereon from a person dealing in or making camelback. The purchaser may present the replenishment portion (Part B) of a retreaded or recapped tire certificate, or of a certificate for recapping services, the replenishment portion (Part B) of an allotment of camelback certificate, or the replenishment portion (Part B) of a receipt for either

[1] 7 F.R. 1027, 1039, 2106, 2167, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4553, 4541, 4617, 4856, 5023, 5274, 5276, 5563, 5605, 5867, 6423, 6775, 7034, 7241, 7669, 7670, 7743, 7777, 7902, 7834, 7941, 7963, 7973.

retreaded or recapped tires, recapping services or camelback. When using the replenishment portion of a receipt for camelback or the replenishment portion of an allotment of camelback certificate, he may purchase the number of pounds of camelback specified thereon. If he uses the replenishment portion of a retreaded or recapped tire certificate or of a certificate for recapping services or the replenishment portion of a receipt for retreaded or recapped tires or recapping services, he may purchase the number of pounds of camelback specified in the table appearing below in this subdivision.

TABLE FOR CAMELBACK REPLENISHMENT

Type or size of tires specified on certificate or receipt:	*Number of pounds of camelback which may be purchased for each such tire*
Passenger-car-type tire	8½
30 x 5 to and including 7.00 x 20/32 x 6	12
7.50–18 to and including 8.25–24	16
9.00–20 to and including 11.00–24	22
12.00–20 and up (regular truck tires)	32
Truck tires 12.00–20 and up, (but not including tires 12.00–24 and larger) used on farm tractors (rear tires only), road graders, earth movers and other similar equipment used primarily on off-the-road work	55
Tires 12.00–24 and larger to be used on above types of equipment	(1)

[1] Amount necessary.

When the amount of camelback to be replenished cannot be calculated from the above table, the person purchasing the camelback shall attach to the replenishment portion (Part B) of the Certificate Form R–2 (Revised), or the Receipt Form R–12 (Revised), certified statement showing the amount of camelback necessary to retread or recap the number of tires specified on the certificate or receipt, and he shall be entitled to purchase the amount of camelback appearing on such statement.

§ 1315.1199a *Effective dates of amendments.* * * *

(ee) Amendment No. 38 shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong., Jan. 30, 1942, O.P.M. Supp. Order No. M–15c, W.P.B. Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026, E.O. 9250, 7 F.R. 7871)

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10488; Filed, October 17, 1942; 12:14 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amendment 33]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

APPEND: Subdivision (ix) to § 1340.159 (c) (1).

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(1) *Crude petroleum.* * * *

(ix) *California.* Effective February 2, 1942, the maximum prices at the receiving tank for royalty crude petroleum produced in the Ventura Avenue Oil Field on all sales made to Shell Oil Company, Inc., lessee, and its successors and assigns by the persons entitled from time to time to share in the royalty interests reserved under oil leases known as the Taylor, Edison and Gosnell leases, shall be as follows:

A. P. I. gravity:	*Prices per barrel*
26°–26.9°	$1.075
27°–27.9°	1.11
28°–28.9°	1.14
29°–29.9°	1.1675
30°–30.9°	1.195

Maximum prices for crude petroleum of gravities higher or lower than those set forth above shall be the prices for such gravities established as of October 1, 1941 by the contract dated August 29, 1941 between Tidewater Associated Oil Company and certain of its lessors in the Ventura Avenue Oil Field.

§ 1340.158a *Effective dates of amendments.* * * *

(gg) Amendment No. 33 to Revised Price Schedule No. 88 (§ 1340.159 (c) (1) (ix)), shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10487; Filed, October 17, 1942; 12:14 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Correction to Amendment 31 to MPR 136[1] as Amended]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this correction has been issued simultaneously herewith and filed with the Division of the Federal Register.

In §§ 1390.31 and 1390.31a (ee) the words "October 15, 1942" are amended to read, "November 7, 1942".

§ 1390.31a *Effective dates of amendments.* * * *

(hh) This correction to Amendment No. 31 to Maximum Price Regulation No. 136, as amended, shall be effective as of October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10495; Filed, October 17, 1942; 12:47 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 80 Under § 1499.18 (c) of GMPR]

COTTO-WAXO CO., ET AL.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.930 Adjustment of maximum prices for Cotto-Waxo Company, of St. Louis, Missouri, No-Dust-O Company of Kansas City, Missouri; the Sweep-O Company of St. Louis, Missouri; and Cotto-Waxo Company of Wichita, Kansas. (a) The companies listed above may sell and deliver, and any purchaser may buy and receive sweeping compounds packed in plywood drums at prices no higher than those set forth below:

MAXIMUM PRICES FOR THE SWEEP-O CO.

#50	50 lb.	7½ gal. drum	$1.01
# 1	100 lb.	15 gal. drum	1.42
# 2	100 lb.	12 gal. drum	1.29
# 3	100 lb.	10 gal. drum	1.18
#11	200 lb.	30 gal. drum	2.52

MAXIMUM PRICES FOR COTTO-WAXO CO., ST. LOUIS, MO.

#50	50 lb.	7½ gal. drum	$0.93
# 1	100 lb.	15 gal. drum	1.41
# 2	100 lb.	12 gal. drum	1.29
# 3	100 lb.	10 gal. drum	1.20
#11	200 lb.	30 gal. drum	2.41
#30	200 lb.	20 gal. drum	1.97

MAXIMUM PRICES FOR NO-DUST-O CO.

# 1	100 lb.	15 gal. drum	$1.34
# 2	100 lb.	12 gal. drum	1.21
# 3	100 lb.	10 gal. drum	1.12

MAXIMUM PRICES FOR COTTO-WAXO CO., WICHITA, KANS.

#50	50 lb.	7½ gal. drum	$0.96
# 1	100 lb.	15 gal. drum	1.47
# 2	100 lb.	12 gal. drum	1.37
# 3	100 lb.	10 gal. drum	1.20

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March 1942, by the sellers, shall remain in effect under this order.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 80 may be amended by the Price Administrator at any time.

(e) This Order No. 80 shall terminate on January 3, 1943 unless previously revoked by the Price Administrator.

(f) This Order No. 80 (§ 1499.930) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 80 (§ 1499.930) shall become effective October 19, 1942.

---

[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 6057, 6167, 6471, 6680, 7242, 3166, 3524, 3552, 7838, 5988.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5605, 5903, 6425, 6632, 6682, 6682, 6899, 6904, 6904, 6905, 6937, 6973, 6937, 7010, 7246, 7320, 7365, 7599, 7632, 7739, 7744, 7807, 7912, 7944, 7945, 7012, 8193.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10489; Filed, October 17, 1942; 12:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 81 Under § 1499.18 (e) of GMPR]

CONTINENTAL MANUFACTURING COMPANY

For reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.931 *Adjustment of maximum prices for Continental Manufacturing Company.* (a) Continental Manufacturing Company of Indianapolis, Indiana, may sell and deliver Dustoline Sweeping Compound, and any purchaser may buy and receive from Continental Manufacturing Company, Dustoline Sweeping Compound when packed in wooden barrels or kegs, at a price not higher than $1.87 per one hundred pounds.

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March 1942, by the seller, shall remain in effect under this order.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 81 may be amended by the Price Administrator at any time.

(e) This Order No. 81 shall terminate on January 1, 1943 unless previously revoked by the Price Administrator.

(f) This Order No. 81 (§ 1499.931) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 81 (§ 1499.931) shall become effective October 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10490; Filed October 17, 1942; 12:15 p. m.]

Chapter XVII—Office of Civilian Defense

[Regulations 3—Amendment 4]

PART 1903—UNITED STATES CITIZENS DEFENSE CORPS

ELIGIBILITY FOR MEMBERSHIP IN DEFENSE CORPS, ETC.

By virtue of the authority vested in me by Executive Order No. 8757 dated May 20, 1941, as amended by Executive Order No. 9134 dated April 15, 1942, and Executive Order No. 9088 dated March 6, 1942, and pursuant to the Act approved January 27, 1942, *It is hereby ordered,* That §§ 1903.1 to 1903.17 of this chapter (Regulations No. 3 of the Office of Civilian Defense), as heretofore issued and amended,[1] be further amended, effective October 19, 1942, as follows:

AUTHORITY: Pub. Law 415, 77th Cong.; E.O. 8757, 6 F.R. 2517; E.O. 9088, 7 F.R. 1775; and EO. 9134, 7 F.R. 2887.

1. By striking out the last sentence of § 1903.5 (b) thereof and substituting therefor the following:

The term "alien of enemy nationality", as used in this paragraph (b), means a citizen of Germany or Japan, or such other country as shall be designated by order of the Director.

2. By amending § 1903.7 (b) thereof so as to reduce the minimum number of hours of First Aid training or instruction required for members of the Staff Unit from 10 to 0.

[SEAL] JAMES M. LANDIS,
Director.

OCTOBER 16, 1942.

[F. R. Doc. 42-10445; Filed, October 16, 1942; 2:48 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular No. 1517]

Subchapter H—Grazing

PART 160—GRAZING LEASES

AMENDMENT OF GRAZING LEASE REGULATIONS

Sections 160.10, 160.15, 160.17, 160.18 and 160.19 of Title 43 of the Code of Federal Regulations are hereby amended to read as follows:

AUTHORITY: §§ 160.10, 160.15 and 160.17 to 160.19, inclusive, issued under sec. 15, 48 Stat. 1275, sec. 5, 49 Stat. 1978; 43 U.S.C. 315m.

§ 160.10 *No right conferred by application, prior to lease.* As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for, pending the execution of a lease.

§ 160.15 *Action on applications.* Upon receipt of an application, the register of the district land office will assign the current serial number thereto, note the same on his records, and if all is found to be regular, forward the original to the General Land Office, and the duplicate to the regional field examiner for the region in which the lands are situated. The original and duplicate application should be accompanied with a status report by the register of all the lands applied for.

§ 160.17 *Action by register receiving the quadruplicate copy of application.* The register of the land office receiving the quadruplicate copy will furnish a report to the General Land Office and the proper regional field examiner as to the status of the land in his district embraced in the application for lease. The remaining administrative work up to the point of issuing the lease will be handled through the office in which the complete application was filed.

§ 160.18 *Information to be reported by Branch of Field Examination.* Upon receipt of the duplicate copy of an application or petition for renewal, the proper regional field examiner will have an investigation made and submit a report to the General Land Office as to the applicant's qualifications, and also as to the pertinent facts relating to any and all conflicting applications, especially those where the questions of preference rights and the extent thereof are involved.

§ 160.19 *Additional information to be included in report.* The report of the regional field examiner should also include a statement as to the carrying capacity of the lands applied for and the value of the lands for grazing purposes, due regard being given to the number and kind of livestock to be grazed. It should also recommend the rental value to be charged, the term of the lease to be granted, and any other recommendations which may be helpful in the adjudication of the application.

FRED W. JOHNSON,
Commissioner.

Approved: October 1, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-10474; Filed, October 17, 1942; 11:39 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Amendment 1 to Service Order 87[1]]

PART 95—CAR SERVICE

DEMURRAGE

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of October, A. D. 1942.

Good cause appearing therefor; *It is ordered:*

That paragraph (a) of § 95.500 of Chapter I, Title 49, Code of Federal Regulations (Service Order No. 87), suspending demurrage rules in Trunk Line Tariff Bureau Tariff No. 139-C-I. C. C. No. A-751 and reducing free time be, and it is hereby amended by the addition of the following subparagraphs:

§ 95.500 *Suspension of demurrage rules; Trunk Line Tariff Bureau Tariff No. 139-C-I. C. C. No. A-751 (Coal).* (a) * * *

(1) *Free time on cars of coke.* This suspension and reduction of free time shall not apply to cars of coke delivered to vessels at Newport News, Lambert Point or Sewalls Point, Va., having destination outside the Capes of Virginia, and to points on the Albemarle, Pamlico, and Currituck Sounds, and tributaries thereto; and shall not apply on cars of coke delivered to vessels at Ganton, Curtis Bay, Locust Point or Port Covington

[1] 7 F.R. 3244, 4276, 4669, 6900.

[1] 7 F.R. 8066.

(Baltimore), Md., for movement to points beyond the Capes of Chesapeake Bay, or delivered to vessels at Port Richmond or Greenwich Piers (Philadelphia), Pa., for movement to points beyond the Capes of Delaware Bay, the average free time on such cars being ten (10) days as provided in Rule 2 of said tariff.

(40 Stat. 101, 41 Stat. 476, 49 Stat. 543; 54 Stat. 901; 49 U.S.C. 1 (10–17).)

And it is further ordered, That copies of this amendment be served upon the carriers parties to the above-named tariff and the Association of American Railroads, Car Service Division, and that notice of this amendment be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, The National Archives.

By the Commission, division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42–10514; Filed, October 19, 1942; 11:31 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–190]

COVE HILL COAL COMPANY, CODE MEMBER

ORDER CONDITIONALLY RESTORING CODE MEMBERSHIP

A complaint dated January 16, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed in the above-entitled matter on January 16, 1942, by the Bituminous Coal Producers Board for District No. 6, complainant, with the Bituminous Coal Division (the "Division"); and

A joint application of Cove Hill Coal Company and the Wheeling Valley Coal Corporation, dated July 2, 1942, for disposition of this proceeding and of the matter of Wheeling Valley Coal Corporation, Docket No. B–189, without formal hearing pursuant to § 301.132 of the Rules of Practice and Procedure before the Division, having been duly filed with the Division on July 3, 1942, and an amendment thereto having been duly filed with the Division on August 3, 1942, and an agreement between Cove Hill Coal Company and the Collector of Internal Revenue for the District of West Virginia (the "Agreement"), being attached to and made part of said joint application, as amended; and

It appearing from said joint application, as amended, that Cove Hill Coal Company consented to revocation of its code membership and to the imposition of a tax in the amount of $5,759.05, payment of which is a condition precedent to its unconditional restoration of membership in the Code pursuant to section 5 (c) of the Act, with the understanding that upon payment of 50% of said tax its code membership shall be conditionally restored subject to the further conditions that the remainder thereof shall be paid in eight equal monthly installments beginning August 1, 1942, and that, upon failure to pay any installment payment as provided in said Agreement, any order of conditional restoration of Cove Hill Coal Company to membership in the Code shall thereupon become void and of no further force nor effect; and

An Order having been issued herein on September 22, 1942, granting the said application, as amended, revoking and cancelling the membership of the Cove Hill Coal Company in the Bituminous Coal Code (the "Code") as of ten days from the date of said Order, and providing, pursuant to section 5 (c) of the Act, for the payment to the United States of a tax in the amount of $5,759.05 as a condition precedent to the restoration of Cove Hill Coal Company to membership in the Code, directing conditional restoration of Cove Hill Coal Company to membership in the Code upon payment of 50% of said tax as agreed in said joint application, as amended, and permanently enjoining and restraining Cove Hill Coal Company from violating the Act, the Code, and rules and regulations thereunder; and

An application for conditional restoration of code membership having been duly filed with the Division on October 1, 1942, by Cove Hill Coal Company from which it appears that Cove Hill Coal Company has paid to said Collector of Internal Revenue the sum of $3,593.70, which payment represents 50% of the said tax plus the amount of installment payments due on August 1 and September 1, 1942, respectively, and has mailed to the Collector of Internal Revenue the amount of the installment payment due on October 1, 1942, pursuant to said Agreement and said Order;

Now, therefore, it is ordered, That the membership of the Cove Hill Coal Company in the Code be, and the same hereby is, conditionally restored effective simultaneously with the effective date of revocation and cancellation, provided in said Order, dated September 22, 1942, upon the following terms and conditions:

In the event of default by Cove Hill Coal Company in making any installment payment as agreed in said joint application, as amended, such conditional restoration of code membership shall become wholly ineffective as of October 2, 1942, the entire balance of said tax then owing shall become due and payable and all coal sold or otherwise disposed of by said Cove Hill Coal Company on and after October 2, 1942, shall be subject to the 19½ percent tax provided by section 3520 (b) (1) of the Internal Revenue Code.

It is further ordered, That upon payment of said tax in full in accordance with the terms of said joint application, as amended, said Cove Hill Coal Company shall submit to the Division the receipt therefor issued by said Collector of Internal Revenue or a statement by said Collector that said tax has been paid in full and thereupon an order shall be issued restoring said Cove Hill Coal Company to full and unconditional membership in the Code as of the effective date of revocation and cancellation of its code membership provided by said Order, dated September 22, 1942.

Dated: October 16, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42–10597; Filed, October 19, 1942; 10:44 a. m.]

[Docket No. B–315, B–319]

TONY SANTARELLI, ET AL.

ORDER POSTPONING HEARINGS, ETC.

In the matter of Tony Santarelli and Tony Vento, Code Members.

Order postponing hearings and granting extension of time for filing answers and applications for disposition without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure.

The above-entitled matter of Tony Santarelli, Docket No. B–315, having been heretofore scheduled for hearing on November 3, 1942, at 10 a. m. at the Post Office Building, Pueblo, Colorado, by Notice of and Order for Hearing dated September 23, 1942; and

The above-entitled matter of Tony Vento, Docket No. B–319, having been heretofore scheduled for hearing on November 5, 1942, at 10 a. m. at the same place, by Notice of and Order for Hearing dated September 23, 1942; and

The said Code Members by their attorney having made application on October 8, 1942, for postponement of said hearings and extensions of time within which to file their respective pleadings or applications for disposition without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division; and

It appearing to the Director that said application for postponements and extensions of time for filing answers and applications for disposition without formal hearing should be granted to the extent and in the manner hereinafter stated;

Now, therefore, it is ordered, That the hearing in the matter of Tony Santarelli, Docket No. B–315, be and it hereby is postponed from November 3, 1942, at 10 a. m. to November 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division (the "Division") at the Post Office Building, Pueblo, Colorado, before the officer or officers heretofore designated to preside at said hearing

It is further ordered, That the hearing in the matter of Tony Vento, Docket No. B–319, be and it hereby is postponed from November 5, 1942, at 10 a. m. to November 30, 1942, at 10 a. m. at a hearing room of the Division at the Post Office Building, Pueblo, Colorado, before the officer or officers heretofore designated to preside at said hearing.

It is further ordered, That the time within which the above-named Code Members may file their respective applications for disposition without formal hearing, in the above-entitled matters, pursuant to said § 301.132 of the Rules of Practice and Procedure Before the Division be, and the same hereby is extended to and including October 20, 1942.

It is further ordered, That the time within which the above-named Code Members may file their respective answers in the above-entitled matters be and the same hereby is extended to October 20, 1942; *Provided, however,* That if either of the above-named Code Members file an application pursuant to said § 301.132 of the Rules of Practice and Procedure Before the Division on or before October 20, 1942, the time within which such Code Member must file his answer shall be and it hereby is extended to ten (10) days from the date of the final disposition of such application by the Division, pursuant to said § 301.132 (f) of the Rules of Practice and Procedure Before the Division.

It is further ordered, That the Notice of and Order for Hearing issued on September 23, 1942, in each of the above-entitled matters shall in all other respects remain in full force and effect.

Dated: October 16, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10503; Filed, October 19, 1942; 10:43 a. m.]

[Dockets Nos. B-305, B-330, B-329]

FLASH COAL COMPANY, ET AL.

ORDER POSTPONING HEARINGS

In the matter of Julius Kauzlarich and Tony Kauzlarich, individually and as co-partners, doing business under the name and style of Flash Coal Company; Willis E. Davis; Arthur L. Petty and Lemar Denison, individually and as co-partners, Code Members.

The above-entitled matter of Julius Kauzlarich and Tony Kauzlarich, individually and as co-partners, doing business under the name and style of Flash Coal Company, Docket No. B-305, having been heretofore scheduled for hearing on October 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division (the "Division") at the District Court Room, Centerville, Iowa, and a subpoena duces tecum having been issued on October 5, 1942, requiring Julius Kauzlarich, Mystic, Iowa, to appear to testify and give evidence at the aforesaid time and place or at any other time or place to which the aforesaid hearing may be postponed or continued, and to bring with him and produce at said hearing certain books and records described in said subpoena duces tecum; and

The above-entitled matter of Willis E. Davis, Docket No. B-330, having been heretofore scheduled for hearing on October 29, 1942, at a hearing room of the Division at the Federal Court Room, Grand Junction, Colorado; and

The above-entitled matter of Arthur L. Petty and Lemar Denison, individually and as co-partners, Docket No. B-329, having been heretofore scheduled for hearing on October 31, 1942, at a hearing room of the Division at the Court House, Price, Utah, and a subpoena having been issued on October 5, 1942, requiring Arthur L. Petty, Emery, Utah, to appear to testify and give evidence at the aforesaid time and place or at any other time or place to which the aforesaid hearing may be postponed or continued; and

The Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter of Julius Kauzlarich and Tony Kauzlarich, individually and as co-partners, doing business under the name and style of Flash Coal Company, Docket No. B-305, be postponed from October 22, 1942, at 10 a. m. to October 30, 1942, at 2 p. m. at a hearing room of the Division at the District Court Room, Centerville, Iowa, before the officer or officers previously designated to preside at said hearing.

It is further ordered, That said Julius Kauzlarich be required to appear to testify and give evidence in the matter of Julius Kauzlarich and Tony Kauzlarich, individually and as co-partners, doing business under the name and style of Flash Coal Company at 2 p. m. on October 30, 1942, at the place hereinabove designated instead of at the time mentioned in said subpoena duces tecum and bring with him the books and records described in said subpoena duces tecum.

It is further ordered, That the hearing in the above-entitled matter of Willis E. Davis, Docket No. B-330, be postponed from October 29, 1942, at 10 a. m. to November 4, 1942, at 10 a. m. at a hearing room of the Division at the Federal Court Room, Grand Junction, Colorado, before the officer or officers previously designated to preside at said hearing.

It is further ordered, That the hearing in the above-entitled matter of Arthur L. Petty and Lemar Denison, individually and as co-partners, Docket No. B-329, be postponed from October 31, 1942, at 10 a. m. to November 6, 1942, at 10 a. m. at a hearing room of the Division at the Court House, Price, Utah, before the officer or officers previously designated to preside at said hearing.

It is further ordered, That said Arthur L. Petty be required to appear to testify and give evidence in the matter of Arthur L. Petty and Lemar Denison, individually and as co-partners, at 10 a. m. on November 6, 1942, at the place hereinabove designated instead of at the time mentioned in said subpoena.

Dated: October 16, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10504; Filed, October 19, 1942; 10:43 a. m.]

[Docket No. A-1686]

DISTRICT BOARD 1

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 1 for the establishment of temporary price classifications and minimum prices for the coals of the Black Prince #2 Mine (Mine Index No. 3607) of Lee B. Humphrey (The Humphrey Brick & Tile Company).

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with this Division by the above-named party, requesting the temporary establishment of an "H" classification for lake cargo shipment during the present lake season for 18,000 to 20,000 tons of coal in Size Groups 3 and 4 of the Black Prince #2 Mine (Mine Index No. 3607) of Lee B. Humphrey (The Humphrey Brick & Tile Company) located in the D Seam of Subdistrict 5 of District 1; and

Petitioner having represented that the coals of Black Prince #2 Mine (Mine Index No. 3607) have been classified "E" in Size Groups 3 and 4 for all shipments except truck, that Lee B. Humphrey (The Humphrey Brick & Tile Company) has uncovered 18,000 to 20,000 tons of coal of poorer quality than normally mined from the D Seam of Subdistrict 5, and that the producer has been unable to sell this coal at a price classification of "E" but could dispose of it for shipment via the Great Lakes at a lower classification; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter, although a copy of the petition has been served upon the Secretaries of District Boards 2 to 8, inclusive, and the Bituminous Coal Consumers' Counsel; and

District Boards 2, 3, 4, 6, 7 and 8 and the Bituminous Coal Consumers' Counsel having indicated to the Division that they have no objection to the granting of the relief as requested; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck is supplemented to include the price classification of "H" for approximately 20,000 tons of coal of the Black Prince #2 Mine (Mine Index No. 3607) which is of poorer quality than coal normally mined from the D Seam in Subdistrict 5 of District 1 when sold for lake cargo shipment during the remainder of the present lake season.

It is further ordered, That concurrently with such shipments and prior to the close of the present lake season Lee B. Humphrey (The Humphrey Brick & Tile Company) shall file, by appropriate affidavits, statements to the effect that such coal shipped by this producer for lake cargo during the present lake season is of poorer quality than coal normally mined from the D Seam in Subdistrict 5 of District 1, and shall state the tonnage shipped pursuant to the temporary relief given in this order.

It is further ordered, That the order granting temporary relief herein shall be subject to further order of the Division.

Dated: October 16, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10505; Filed, October 19, 1942; 10:43 a. m.]

[Docket No. B-227]

MARKET STREET COAL CO.

ORDER POSTPONING HEARING

In the matter of J. H. Cox and R. L. Stulce, individually and as partners doing business under the name and style of Market Street Coal Company, Code Member.

The above-entitled matter having been heretofore scheduled for hearing on October 26, 1942, at a hearing room of the Bituminous Coal Division at the Court House, Chattanooga, Tennessee; and

The Code Member having filed on October 12, 1942, a motion to postpone said hearing, and good cause having been shown therefor;

It is ordered, That the hearing in the above-entitled matter be postponed from 10 a. m., on October 26, 1942, to a place and date to be hereafter designated by appropriate order.

Dated: October 15, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-10506; Filed, October 19, 1942; 10:43 a. m.]

[Docket No. B-189]

WHEELING VALLEY COAL CORPORATION, WEST VIRGINIA, CODE MEMBER

ORDER CONDITIONALLY RESTORING CODE MEMBERSHIP

A complaint dated January 16, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed in the above entitled matter on January 16, 1942, by the Bituminous Coal Producers Board for District No. 6, complainant, with the Bituminous Coal Division (the "Division"); and

A joint application of Wheeling Valley Coal Corporation and Cove Hill Coal Company dated July 2, 1942, for disposition of this proceeding and of the Matter of Cove Hill Coal Company, Docket No. B-190, without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division, having been duly filed with the Division on July 3, 1942, and an amendment thereto having been duly filed with the Division on August 3, 1942, and an agreement between Wheeling Valley Coal Corporation and the Collector of Internal Revenue for the District of West Virginia (the "Agreement") being attached to and made part of said joint application, as amended; and

It appearing from said joint application, as amended, that Wheeling Valley Coal Corporation consented to revocation of its code membership and to the imposition of a tax in the amount of $5,750.14, payment of which is a condition precedent to its unconditional restoration of membership in the Code pursuant to section 5 (c) of the Act, with the understanding that upon payment of 50% of said tax its code membership shall be conditionally restored subject to the further conditions that the remainder thereof shall be paid in eight equal monthly instalments beginning August 1, 1942, and that, upon failure to pay any instalment payment as provided in said Agreement, any order of conditional restoration of Wheeling Valley Coal Corporation to membership in the Code shall thereupon become void and of no further force nor effect; and

An Order having been issued herein on September 22, 1942, granting the said application as amended, revoking and cancelling the membership of Wheeling Valley Coal Corporation in the Bituminous Coal Code (the "Code") as of ten days from the date of said Order, and providing, pursuant to section 5 (c) of the Act for the payment to the United States of a tax in the amount of $5,750.14 as a condition precedent to the restoration of Wheeling Valley Coal Corporation to membership in the Code, directing conditional restoration of Wheeling Valley Coal Corporation to membership in the Code upon payment of 50% of said tax as agreed in said joint application, as amended, and permanently enjoining and restraining Wheeling Valley Coal Corporation from violating the Act, the Code, and rules and regulations thereunder; and

An application for conditional restoration of code membership having been duly filed with the Division on October 1, 1942, by Wheeling Valley Coal Corporation from which it appears that Wheeling Valley Coal Corporation has paid to said Collector of Internal Revenue the sum of $3,593.70, which payment represents 50% of the said tax plus the amount of instalment payments due on August 1, and September 1, 1942, respectively, and has mailed to said Collector of Internal Revenue the amount of the instalment payment due on October 1, 1942, pursuant to said Agreement and said Order;

Now, therefore, it is ordered, That membership of the Wheeling Valley Coal Corporation in the Code be, and the same hereby is, conditionally restored effective simultaneously with the effective date of revocation and cancellation, provided in said Order dated September 22, 1942, upon the following terms and conditions:

In the event of default by Wheeling Valley Coal Corporation in making any instalment payment as agreed in said joint application, as amended, such conditional restoration of code membership shall become wholly ineffective as of October 2, 1942, the entire balance of said tax then owing shall become due and payable and all coal sold or otherwise disposed of by said Wheeling Valley Coal Corporation on and after October 2, 1942, shall be subject to the 19½ percent tax provided by section 3520 (b) (1) of the Internal Revenue Code.

It is further ordered, That upon payment of said tax in full in accordance with the terms of said joint application, as amended, said Wheeling Valley Coal Corporation shall submit to the Division the receipt therefor issued by said Collector of Internal Revenue or a statement by said Collector that said tax has been paid in full and thereupon an order shall be issued restoring said Wheeling Valley Coal Corporation to full and unconditional membership in the Code as of the effective date of revocation and cancellation of its code membership provided by said Order dated September 22, 1942.

Dated: October 16, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-10503; Filed, October 19, 1942; 10:44 a. m.]

[Docket No. A-1611]

THE BENNETT AND BRASSART COAL CO.

ORDER POSTPONING HEARING

In the matter of the petition of The Bennett and Brassart Coal Co., code member in district No. 15 for a reduction in the effective minimum price for ½" x 0 slack coals produced from the B & B Mine, mine index No. 1387, in District No. 15.

A hearing in the above-entitled matter having been scheduled to be held on October 19, 1942, at a hearing room of the Bituminous Coal Division, at 536 Dwight Building, 1004 Baltimore Avenue, Kansas City, Missouri; and

It appearing advisable to postpone said hearing from October 19, 1942 to November 10, 1942;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from October 19, 1942 to November 10, 1942.

It is further ordered, That the time within which petitions of intervention may be filed in such matter be, and it hereby is, extended from October 14, 1942 to November 4, 1942.

In all other respects the Notice of and Order for Hearing entered in this matter on September 16, 1942, as amended by the Order of September 19, 1942, shall remain in full force and effect.

Dated: October 15, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-10510; Filed, October 19, 1942; 10:44 a. m.]

[Docket No. A-1597]

DISTRICT BOARD NO. 8

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 8 for the establishment of temporary and permanent price classifications for all coals otherwise unclassified in District No. 8 in size groups 24 to 27, inclusive.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 30, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 24, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for the establishment of temporary and permanent price classifications and minimum prices for all coals otherwise unclassified in District No. 8 in Size Groups 24 to 27, inclusive.

Dated: October 16, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10509; Filed, October 19, 1942; 10:44 a. m.]

General Land Office.

[Public Land Order 45]

OREGON AND WASHINGTON

WITHDRAWING PUBLIC LANDS FOR THE BONNEVILLE PROJECT

OCTOBER 7, 1942.

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942,[1] the following-described public lands are hereby withdrawn, subject to valid existing rights, including those under Article III of the treaty of June 9, 1855 (12 Stat. 951), between the United States and the Yakima Nation of Indians, from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the Bonneville Project on the Columbia River in Oregon and Washington, under the supervision of the War Department, as authorized by the act of August 30, 1935, c. 831, 49 Stat. 1028, 1038, and the act of August 20, 1937, c. 720, 50 Stat. 731:

WILLAMETTE MERIDIAN, OREGON

T. 2 N., R. 14 E.,
Sec 29, lots 3, 4, 5.
T. 2 N., R. 15 E.,
Sec. 17, lot 2;
Sec. 20, lots 5, 6, 7, 8, 9, 10.

WILLAMETTE MERIDIAN, WASHINGTON

T. 2 N., R. 15 E.,
Sec. 18, lot 5;
Sec. 19, lots 1, 2, 3, 4, 5, 6, 7.

The areas described aggregate 47.66 acres.

This order supersedes as to any of the above-described lands affected thereby the withdrawals made by Executive Orders Nos. 6910 and 6964 of November 26, 1934, and February 5, 1935, respectively, and amendments thereto.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-10501; Filed, October 19, 1942; 10:04 a. m.]

[1] 7 F.R. 3067.

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 732]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 28, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Iowa 3-1038D3 Pocahontas	$15,000
Michigan 3-1005C2 Lenawee	30,000
Minnesota 3-1025C2 McLeod	20,000
Ohio 3-1093A3 Washington	15,000
Tennessee 3-1046A2 Warren*	40,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-10513; Filed, October 19, 1942; 11:20 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

SUGAR AND RELATED PRODUCTS INDUSTRY

HEARING ON MINIMUM WAGE RATES

Notice of public hearing before Industry Committee No. 50 for the purpose of receiving evidence to be considered in recommending minimum wage rates for the Sugar and Related Products Industry.

In conformity with the Fair Labor Standards Act of 1938, 52 Stat. 1060, and § 511.11 of Part 511 of the Rules and Regulations issued pursuant thereto, notice is hereby given to all interested persons that a public hearing will be held beginning at 11:00 a. m. January 5, 1943, in the College Room of the Hotel Astor, New York City, for the purpose of receiving evidence to be considered by Industry Committee No. 50 in determining the highest minimum wage rates for the Sugar and Related Products Industry, which, having due regard to economic and competitive conditions, will not substantially curtail employment.

The term "Sugar and Related Products Industry" is defined in Administrative Order No. 162, issued October 8, 1942, as follows:

> The production of sugar, molasses, and syrups, of all types, made wholly or in part from maple sap, sugar beets, sugarcane; sorgo, or any derivative therefrom, and the production of beet pulp, bagasse, lime cake, and related byproducts: *Provided, however,* That fountain syrups commonly and commercially so known shall not be included in this definition.
>
> The production of any products covered under this definition shall be deemed to begin with the loading of the raw materials at the farm.

The definition of the sugar and related products industry covers all occupations in the industry which are necessary to the production of the products covered by this definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That in a wholesaling or selling department of a manufacturing establishment clerical, maintenance, shipping and selling employees, the greater part of whose work relates to the sale of articles which have been purchased for resale or of articles not covered by this definition, shall not be deemed to be covered by this definition: *And provided, further,* That where an employee covered by this definition is employed during the same work week at two or more different minimum rates of pay, he shall be paid the highest of such rates for such work week unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

Industry Committee No. 50 was created by Administrative Order No. 162, referred to above. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1936 and Rules and Regulations promulgated thereunder, with the duty of investigating conditions in the Sugar and Related Products Industry and recommending to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14.

Any person who, in the opinion of the Committee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration, may appear on his own behalf or on behalf of any other person. Persons desiring to appear are requested to file with E. L. Warren, Director of the Wage Determination Branch, Wage and

Hour Division, U. S. Department of Labor, 165 West 46th Street, New York City, prior to December 15, 1942, a Notice of Intention to Appear containing the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom, or organization which, he is representing.

(3) A brief summary of the material intended to be presented.

(4) The approximate length of time which his presentation will consume.

All testimony will be taken under oath and subjected to reasonable cross examination by any interested person present. Testimony so received may be offered as evidence at the public hearing to be held by the Administrator on such minimum wage recommendations as Industry Committee No. 50 may make. At least 30 copies of all exhibits or other written material to be presented by persons appearing before the Committee should be provided. Such materials to be accepted as exhibits for the record must be presented at least in quintuplicate.

Written briefs of persons who can not appear personally will be considered by the Committee provided that at least thirty copies thereof are received at the address last given not later than December 15, 1942.

Signed at Washington, D. C., this 14th day of October, 1942.

THEODORE J. KREPS,
Chairman, Industry Committee No. 50 for the Sugar and Related Products Industry.

[F. R. Doc. 42-10467; Filed, October 17, 1942; 11:08 a. m.]

[Administrative Order No. 165]

INDUSTRY COMMITTEE No. 50

POSTPONEMENT OF MEETING

Notice of postponement of meeting of Industry Committee No. 50 for the Sugar and Related Products Industry.

Pursuant to § 511.4 of Regulations Applicable to Industry Committees the date and place for the meeting of Industry Committee No. 50 for the Sugar and Related Products Industry are hereby set for 10 a. m., January 5, 1943, in the College Room of the Hotel Astor, New York City, in lieu of the date and place fixed in Administrative Order No. 162 issued October 5, 1942.

Signed at Washington, D. C., this 14th day of October 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-10468; Filed, October 17, 1942; 11:08 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3733).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective October 19, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Allen Underwear Mfg. Co., Inc., White Mills, Pennsylvania; Ladies' underwear; 10 percent (T); October 19, 1943.

Adam H. Bartel Co., 200 S. 8th St., Richmond, Indiana; Overalls and jackets; 10 percent (T); October 19, 1943.

"Bundle O'Joy" Baby Wear Co., 49 S. Pennsylvania Ave., Wilkes-Barre, Pennsylvania; Infants' cotton flannel gowns & crinkle crepe kimonas; 10 percent (T); October 19, 1943.

Cherryland Mfg. Co., Woodmere Ave., Traverse City, Michigan; Trousers; 10 percent (T); October 19, 1943.

Di-Anne Underwear Co., 303 S. First St., Lebanon, Pennsylvania; Women's slips; 10 percent (T); October 19, 1943.

Louis Edelstein, 831 Cherry St., Philadelphia, Pennsylvania; Ladies' underwear; 2 learners (T); October 19, 1943.

Elk Brand Shirt & Overall Co., Hopkinsville, Kentucky; Work pants, overalls, work shirts; 10 learners (T); October 19, 1943.

Eureka Pants Mfg. Co., Depot St., Shelbyville, Tennessee; Cotton work pants; 10 percent (T); October 19, 1943.

Herman Flax, 37 Terry St., Patchogue, Long Island, New York; Boys' suits & children's dresses; 3 learners (T); October 19, 1943.

General Sportwear Co., Inc., 23 Market St., Ellenville, New York; Children's sunsuits, playsuits, rompovers and gymsuits; 6 learners (T); October 19, 1943.

Joseph Greenberg, 37 Bainbridge St., Elizabethtown, Pennsylvania; Children's dresses; 10 learners (T); October 19, 1943.

Hyman Brothers, 33rd & Arch Sts., Philadelphia, Pennsylvania; Misses' dresses; 10 percent (T); October 19, 1943.

K. & G. Mfg. Co., Inc., Pleasant St., Fall River, Massachusetts; Dresses; 10 percent (T); October 19, 1943.

Lexington Shirt Corp., East 2nd Ave., Lexington, North Carolina; Men's & boys' dress shirts; 10 percent (T); October 19, 1943.

Martin Shirt Co., 207 So. Main St., Shenandoah, Pennsylvania; Boys' shirts, ladies' blouses; 10 percent (T); October 19, 1943.

Model Blouse Co., R. R. Boulevard, Landisville, New Jersey; Boys' shirts; 8 learners (T); October 19, 1943.

North Shore Mfg. Co., 326 W. Michigan St., Duluth, Minnesota; O. D. Field jackets, snow suits, slack suits; 10 learners (T); October 19, 1943.

Olga Frocks, 1100 Richmond Ave., Point Pleasant Beach, New Jersey; One & two piece dresses; 3 learners (T); October 19, 1943.

Picayune Shirt Factory, Inc., Goodyear Boulevard, Picayune, Mississippi; Work shirts and pants; 100 learners (E); April 19, 1943. (This certificate replaces the one bearing the expiration date of June 4, 1942 for 200 learners which was not used).

Picayune Shirt Factory, Inc., Goodyear Boulevard, Picayune, Mississippi; Work shirts and pants; 10 percent (T); October 19, 1943.

Pleasant Novelty Co., 273 Pleasant St., Fall River, Massachusetts; Boys' washable suits; 10 percent (T); October 19, 1943.

Prevue Sportswear, Inc., 31 N. Spruce St., Mt. Carmel, Pennsylvania; Dresses and sportswear; 60 learners (E); April 19, 1943.

H. H. Rosinsky & Co., 123 N. 5th St., Philadelphia, Pennsylvania; Dresses; 5 learners (T); October 19, 1943.

The Roswell Co., Roswell, Georgia; Single pants; 50 learners (E); April 19, 1943.

Rotary Shirt Co., Inc., 9 Broad St., Glens Falls, New York; Men's shirts, officers' shirts and army shirts; 10 percent (T); October 19, 1943.

Morris Schwartz Dress Co., Clinton St., Montgomery, New York; Ladies' cotton and rayon dresses and housecoats; 10 learners (T); October 19, 1943.

Seibel & Stern, Walnut & Orchard Sts., Bridgeton, New Jersey; Children's dresses; 10 percent (T); October 19, 1943.

M. & D. Simon Co.—Shirt Dept., 700 W. St. Clair Ave., Cleveland, Ohio; Men's shirts and sportswear; 8 learners (T); October 19, 1943.

J. H. Stern Garment Co., East Hummelstown St., Elizabethtown, Pennsylvania; Children's dresses, ladies' & children's aprons; 10 percent (T); October 19, 1943.

Supak & Sons Garment Mfg. Co., 430 First Ave., Minneapolis, Minnesota; Snowsuits, poplin jackets and slack suits; 8 learners (T); October 19, 1943.

Tex-Son, Inc., 3021 West Martin St., San Antonio, Texas; Boys' sport and play clothing; 10 learners (T); October 19, 1943.

Traficante & Botto, 1226 S. 8th St., Philadelphia, Pennsylvania; Women's dresses and blouses; 5 learners (T); October 19, 1943.

Wyoming Dress Co., 133 East 8th St., Wyoming, Pennsylvania; Ladies' dresses; 32 learners (E); April 5, 1943.

Cigar Industry

The Deisel-Wemmer-Gilbert Corp., Cor. Franklin & First Sts., Delphos, Ohio; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applcable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., 313–15–17 E. Main St., Van Wert, Ohio; Cigars; 10 percent (T); Tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., South Spruce St., St. Marys, Ohio; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., 435 N. Main St., Lima, Ohio; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., 214–16 Broadway, Findlay, Ohio; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., Corner Main & Elm Sts., Lima, Ohio; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., 2180 E. Milwaukee Ave., Detroit, Michigan; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours at 75 percent of the applicable minimum wage; October 18, 1943.

Schwartz Brothers Cigar Co., 233–35 S. 3rd St., Philadelphia, Pennsylvania; Cigars; 10 percent; Cigar machine operators to have learning period of 320 hours at 75 percent of the applicable minimum wage; October 18, 1943. (T).

Glove Industry

General Glove Co., Inc., 237 Jefferson St., Martins Ferry, Ohio; Work gloves; 5 learners (T); October 19, 1943.

Hosiery Industry

Espy Hosiery Mills, Inc., Espy, Pennsylvania; Seamless hosiery; 5 learners (T); October 19, 1943.

Interwoven Stocking Co., Berkeley Springs, West Virginia; Seamless hosiery; 5 percent (T); October 19, 1943.

Interwoven Stocking Co., 200 North Prospect St., Hagerstown, Maryland; Seamless hosiery; 5 percent (T); October 15, 1943. (This certificate became effective October 15, 1942).

Marshall Field & Co., Manufacturing Division, Fieldale, Virginia; Full-fashioned hosiery; 5 percent (T); October 19, 1943.

Miller-Smith Hosiery Mills, Delano, Tennessee; Full-fashioned hosiery; 18 learners (E); June 19, 1943.

Pocono Hosiery Mills, 49 Prospect St., E. Stroudsburg, Pennsylvania; Seamless hosiery; 5 learners (T); October 19, 1943. (This certificate replaces the one bearing the expiration date of August 3, 1943).

Spalding Knitting Mills, East Broad St., Griffin, Georgia; Seamless hosiery; 20 learners (E); June 19, 1943.

Wyatt Knitting Co., Goldsboro Ave. Ext., Sanford, North Carolina; Full-Fashioned hosiery; 5 learners (T); October 19, 1943.

Knitted Wear Industry

Van Raalte Co., Inc., High Rock Ave., Saratoga Springs, New York; Knitted underwear; 14 learners (T); October 19, 1943.

Telephone Industry

Central Iowa Telephone Co., Toledo, Iowa; To employ learners as commercial switchboard operators at its Williamsburg, Iowa Exchange, located at Williamsburg, Iowa; October 19, 1943.

Textile Industry

Edinburgh Cotton Mills, Raeford, North Carolina; Cotton yarns; 3 percent (T); October 19, 1943.

Nashawena Mills, Belleville Ave., New Bedford, Massachusetts; Cotton and spun rayon; 10 learners (T); October 19, 1943.

Signed at New York, N. Y., this 17th day of October 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–10496; Filed, October 19, 1942; 9:30 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F. R. 2862) to the employers listed below effective October 15, 1942.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employer's representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

The Churchill Weavers, Berea, Kentucky; Handwoven novelties; 15 learners; 320 hours for any one learner; 30 cents per hour; To be employed in the occupation of hand weaving (fly-shuttle); October 15, 1943.

Signed at New York, N. Y., this 17th day of October, 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–10497; Filed, October 19, 1942; 9:30 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1887]

COOPERATIVE SERVICE ASSOCIATION

ORDER CONTINUING DATE OF HEARING

OCTOBER 16, 1942.

A public hearing having been set for October 26, 1942, on the application of Cooperative Service Association of Meredith, New Hampshire, for preliminary permit for a proposed hydroelectric development to be installed at the Franklin Falls flood control dam on the Pemigewasset River in Merrimack County, New Hampshire, and it appearing desirable to postpone said hearing;

Upon the Commission's own motion:

It is ordered, That said hearing be postponed to Monday, November 30, 1942, beginning at 9:45 a. m. (EWT) in Room 305, Federal Building, Concord, New Hampshire.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42–10498; Filed, October 19, 1942; 10:04 a. m.]

[Docket No. G-423]

ALLEGANY GAS COMPANY

ORDER FIXING DATE FOR HEARING AND SUSPENDING SUPPLEMENTAL RATE SCHEDULE

OCTOBER 13, 1942.

It appearing to the Commission that:

(a) Allegany Gas Company has on file a rate schedule and supplements thereto designated in the files of the Commission as Allegany Gas Company Rate Schedule FPC No. 3 and Supplements Nos. 1 and 2, thereto, providing for the sale of natural gas to Crystal City Gas Company for resale for ultimate public consumption for domestic, commercial, industrial or other use;

(b) On August 28, 1942, Allegany Gas Company submitted to the Commission for filing a supplemental rate schedule dated July 27, 1942, designated Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3, providing for increased rates or charges for said sale of natural gas to Crystal City Gas Company and requested that the increased rates or charges be allowed to take effect as of July 1, 1942;

(c) By letter of September 5, 1942, and in accordance with the Provisional Rules of Practice and Regulations under the Natural Gas Act, Allegany was requested to submit additional information with respect to Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3, which information was submitted on September 14, 1942; without waiving full compliance with the Provisional Rules of Practice and Regulations, September 14, 1942, was considered to be the filing date of Supplement No. 3;

(d) Unless suspended by order of the Commission, Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3 will become effective as of October 14, 1942, pursuant to the provisions of the Natural Gas Act and the Provisional Rules of Practice and Regulations thereunder;

(e) The schedule of increased rates or charges contained in Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3 may result in excessive rates or charges to Crystal City Gas Company or place an undue burden upon ultimate consumers of natural gas; moreover, the proposed increased rates or charges have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *Orders*, That:

(A) A public hearing be held on November 25, 1942, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges, subject to the jurisdiction of the Commission, contained in Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3 for the sale of natural gas to Crystal City Gas Company for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(B) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3, except insofar as it may provide for the sale of natural gas for resale for industrial use only, be and it hereby is suspended until February 14, 1943, or until such time thereafter as said supplemental rate schedule shall be made effective in the manner prescribed by the Natural Gas Act;

(C) During the period of suspension, the rates or charges collected and received by Allegany Gas Company from Crystal City Gas Company, as provided in Allegany Gas Company Rate Schedule FPC No. 3 and Supplements Nos. 1 and 2 thereto, except insofar as they may be for the sale of natural gas for resale for industrial use only, shall remain and continue in full force and effect;

(D) At the hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Allegany Gas Company;

(E) Interested State Commissions may participate in said hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42-10525; Filed, October 19, 1942; 12:04 p. m.]

[Docket No. G-424]

ALLEGANY GAS COMPANY

ORDER FIXING DATE FOR HEARING AND SUSPENDING RATE SCHEDULE

OCTOBER 13, 1942.

It appearing to the Commission that:

(a) Allegany Gas Company has on file a rate schedule and supplement thereto designated in the files of the Commission as Allegany Gas Company Rate Schedule FPC No. 5 and Supplement No. 1 thereto, providing for the sale of natural gas to North Penn Gas Company for resale for ultimate public consumption for domestic, commercial, industrial or other use;

(b) On August 28, 1942, Allegany Gas Company submitted to the Commission for filing a rate schedule dated July 27, 1942, designated Allegany Gas Company Rate Schedule FPC No. 10, providing for increased rates or charges for certain sales of natural gas to North Penn Gas Company;

(c) The natural gas proposed to be sold to North Penn Gas Company at the increased rates or charges constitutes a portion of certain purchases of natural gas by Allegany from New York State Natural Gas Corporation to meet Allegany's increased requirements;

(d) By letter of September 5, 1942, and in accordance with the Provisional Rules of Practice and Regulations under the Natural Gas Act, Allegany was requested to submit additional information with respect to Allegany Gas Company Rate Schedule FPC No. 10, which information was submitted on September 14, 1942; without waiving full compliance with the Provisional Rules of Practice and Regulations, September 14, 1942, was considered to be the filing date of said Rate Schedule FPC No. 10;

(e) Unless suspended by order of the Commission, Allegany Gas Company Rate Schedule FPC No. 10 will become effective as of October 14, 1942, pursuant to the provisions of the Natural Gas Act and the Provisional Rules of Practice and Regulations thereunder;

(f) The schedule of increased rates or charges contained in Allegany Gas Company Rate Schedule FPC No. 10 may result in excessive charges to North Penn Gas Company or place an undue burden upon ultimate consumers of natural gas; moreover, the proposed increased rates or charges have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *Orders*, That:

(A) A public hearing be held on November 25, 1942, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the lawfulness of the rates and charges, subject to the jurisdiction of the Commission, contained in Allegany Gas Company Rate Schedule FPC No. 10 for the sale of natural gas to North Penn Gas Company for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(B) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in Allegany Gas Company Rate Schedule FPC No. 10, except insofar as it may provide for the sale of natural gas for resale for industrial use only, be and it hereby is suspended until February 14, 1943, or until such time thereafter as said rate schedule shall be made effective in the manner prescribed by the Natural Gas Act;

(C) During the period of suspension, the rates or charges collected and received by Allegany Gas Company from North Penn Gas Company, as provided in Allegany Gas Company Rate Schedule FPC No. 5 and Supplement No. 1 thereto, except insofar as they may be for the sale of natural gas for resale for industrial use only, shall remain and continue in full force and effect;

(D) At the hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Allegany Gas Company; (E) Interested States commissions may participate in said hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42-10526; Filed, October 19, 1942; 12:04 p. m.]

[Docket No. G-425]

ALLEGANY GAS COMPANY

ORDER FIXING DATE FOR HEARING AND SUSPENDING SUPPLEMENTAL RATE SCHEDULE

OCTOBER 13, 1942.

It appearing to the Commission that:

(a) Allegany Gas Company has on file a rate schedule with exhibits thereto designated in the files of the Commission as Allegany Gas Company Rate Schedule FPC No. 9 with Exhibits A, B, C and D thereto, providing for the sale of natural gas to New York State Electric & Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial or other use;

(b) On August 28, 1942, Allegany Gas Company submitted to the Commission for filing a supplemental rate schedule dated July 27, 1942, designated Supplement No. 1 to Allegany Gas Company Rate Schedule FPC No. 9, providing for increased rates or charges for said sale of natural gas to New York State Electric & Gas Corporation and requested that the increased rates or charges be allowed to take effect as of July 1, 1942;

(c) By letter of September 5, 1942, and in accordance with the Provisional Rules of Practice and Regulations under the Natural Gas Act, Allegany was requested to submit additional information with respect to Supplement No. 1 to Allegany Gas Company Rate Schedule F.P.C. No. 9, which information was submitted on September 14, 1942; without waiving full compliance with the Provisional Rules of Practice and Regulations, September 14, 1942, was considered to be the filing date of Supplement No. 1;

(d) Unless suspended by order of the Commission, Supplement No. 1 to Allegany Gas Company Rate Schedule F.P.C. No. 9 will become effective as of October 14, 1942, pursuant to the provisions of the Natural Gas Act and the Provisional Rules of Practice and Regulations thereunder;

(2) The schedule of increased rates or charges contained in Supplement No. 1 to Allegany Gas Company Rate Schedule F.P.C. No. 9 may result in excessive rates or charges to New York State Electric & Gas Corporation or place an undue burden upon ultimate consumers of natural gas; moreover, the proposed increased rates or charges have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *Orders*, That:

(A) A public hearing be held on November 25, 1942, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the lawfulness of the rates or charges, subject to the jurisdiction of the Commission contained in Supplement No. 1 to Allegany Gas Company Rate Schedule F.P.C. No. 9 for the sale of natural gas to New York State Electric & Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(B) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in Supplement No. 1 to Allegany Gas Company Rate Schedule F.P.C. No. 9, except insofar as it may provide for the sale of natural gas for resale for industrial use only, be and it hereby is suspended until February 14, 1943, or until such time thereafter as said schedule shall be made effective in the manner prescribed by the Natural Gas Act;

(C) During the period of suspension, the rates or charges collected and received by the Allegany Gas Company from New York State Electric & Gas Corporation, as provided in Allegany Gas Company Rate Schedule FPC No. 9 and Exhibits A, B, C and D thereto, except insofar as they may be for the sale of nautral gas for resale for industrial use only, shall remain and continue in full force and effect;

(D) At the hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Allegany Gas Company;

(E) Interested State commissions may participate in said hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42-10527; Filed, October 19, 1942; 12:04 p. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-36]

CANNED PEAS

PROPOSED ORDER AMENDING DEFINITION AND STANDARD OF IDENTITY

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 21 U.S.C. 1940 ed. 341 and sec. 701, 52 Stat. 1055, 21 U.S.C. 1940 ed. 371) and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice thereof issued by the Federal Security Administrator on April 23, 1942 (7 F.R. 3066), the following order be promulgated:

Findings of Fact

1. The green color of peas is due primarily to their content of chlorophyll (R., pp. 53-5, 58, 650, 760-1).[1]

2. One of the constituents of the chlorophyll molecule is magnesium (R., pp. 55-9, 717).

3. When peas are picked from the vine the intensity of their green color begins to decrease. This decrease continues as peas are shelled and held, is accelerated when they are canned, and continues while they are in storage (R. pp. 28-9, 156-63, 166, 719-20, 743-4, 739-40, 748-56, 974-8).

4. This decrease in intensity of color is due to the conversion of the chlorophyll into pheophytin through loss of the magnesium from the chlorophyll molecule. Pheophytin is not green but is olive drab in color. There is no known method applicable to peas whereby the pheophytin can be converted back into chlorophyll (R., pp. 29, 59-60, 65-6, 67, 83).

5. Under the process by which peas are ordinarily canned, they are shelled, washed, blanched in hot water, sealed in cans in a water solution of salt and sugar, and heated in a retort for 35 minutes at 240° F., when in cans of the size most frequently sold or for a time and temperature equivalent in their destructive effect on microorganisms when in cans of other sizes.

6. When peas are so canned, the process of conversion of chlorophyll into pheophytin is sufficiently near completion within a short time after canning that the peas are no longer green but are olive drab or straw-colored (R. pp. 59, 102, 67).

7. Peas in their natural state are slightly on the acid side of the neutral point (pH 7) between acidity and alkalinity. A well-recognized but little understood phenomenon is that their acidity slowly but continuously increases during the canning process and subsequent storage. This is expressed chemically as a decrease of pH and the decrease continues until an equilibrium, sometimes as low as pH 5, is reached (R., pp. 67-8, 105, 708, 102).

8. The rate of conversion of chlorophyll to pheophytin proceeds rapidly in an acid medium. In an alkaline medium the rate of conversion is greatly retarded. The time and temperature to which the peas are subjected before canning and the time and temperature during heat processing and in storage after canning also affect the rate of conversion (R., pp. 58, 60, 67-8, 102, 751-5).

9. It has recently been found that by converting the naturally acid medium surrounding the chlorophyll in peas to a state of mild alkalinity, and by regulating the times and temperatures of holding, processing, and storing, the rate of conversion of chlorophyll to pheophytin can be substantially retarded (R., pp. 68, 105, 136, 153, 156-7, 334, 340-1, 363, 534, 751-5).

10. Such regulation of times and temperatures within the limits found desirable for this purpose has no material effect upon the identity of canned peas and does not conflict with the definition and standard of identity for canned peas now in effect (R., pp. 43, 942, 944, 956).

11. For the conversion of the naturally acid state of the peas to one of alkalinity, certain alkalizing chemicals

[1] The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings are based upon a consideration of all the evidence of record at the hearing and not solely on that portion of the record to which reference is made.

not permitted by the definition and standard of identity for canned peas have been found to be suitable. These chemicals are sodium carbonate, calcium hydroxide, and magnesium hydroxide (R., pp. 35–37, 69, 76, 78, 80, 88, 107, 60–9, 618–9, 620–22, 680, 688–90).

12. Sodium carbonate must be used as such, but calcium hydroxide and magnesium hydroxide may be used as such or obtained by the use of calcium oxide and magnesium oxide which, when they come into contact with water, are promptly converted into the respective hydroxides (R., pp. 35, 75, 76, 78–80, 90–1).

13. Sodium carbonate is useful in an aqueous solution of approximately 2 percent concentration for a pre-blanch soak of about 30 minutes at room temperature for the reason that it retards the destruction of chlorophyll at the beginning of the blanch. An alkali in the blanch water does not suffice for this purpose since it does not penetrate the peas rapidly enough to raise their pH to an alkaline level before extensive destruction of chlorophyll occurs from the heat of blanching. (R., pp. 34, 76, 90, 91, 631).

14. The sodium of the sodium carbonate replaces unidentified elements in the peas, according to a principle known as "the base exchange theory" whereby different basic elements in combination with other substances in solution are held to exchange positions continuously. It is a reasonable conclusion from this principle that some of the sodium carbonate enters into the composition of the finished canned peas, and there is no authoritative evidence to the contrary even though the peas are thoroughly washed after the treatment with sodium carbonate solution (R., pp. 71–2, 74–77, 495–6, 1159–60, 1168).

15. The proponents of the alkalizing process could have shown positively that sodium carbonate does not enter into the composition of the peas, if such were the case, by comparative quantitative analyses for sodium of the pre-blanch and blanch solutions before and after soaking and blanching, but no such analysis was reported among the voluminous analytical data entered of record (R., pp. 71, 77, 1159–60, 1169).

16. Alkaline substances other than sodium carbonate would be equally effective in controlling the pH of the peas during the holding period, but such other substances, in quantities sufficient to control the pH, make the peas tough or impair their taste or are otherwise unsuitable or impracticable (R. pp. 76, 631, 633–5).

17. Sodium carbonate has a softening effect upon the texture of peas during the pre-blanch treatment (R., pp. 74–5, 496, 702).

18. In order to restore to the peas a texture comparable to their natural texture and at the same time to maintain the pH of the peas throughout the blanching process at an alkaline level, the blanch water must be made alkaline by a substance having a hardening effect (R., pp. 74–6, 78–9, 669).

19. The only blanch solution which has been found suitable for this purpose, and which is employed for about the same time and at the same temperature used for blanching peas canned by the ordinary method, is an aqueous solution of approximately 0.04 percent of calcium hydroxide or approximately 0.03 percent of calcium oxide. When blanched in this solution the calcium actually enters into the composition of the peas, as shown by chemical analyses. The reaction presumably follows the principle of base exchange (R., pp. 35, 79, 669, 1041).

20. From their observation of such phenomena experienced chemists do not believe that there is a complete exchange of calcium for the sodium added in the pre-blanch solution (R., pp. 1169).

21. When the alkalizing process is used, the blanched peas are washed to remove free calcium hydroxide and are then sealed in the container with an aqueous packing medium (R., pp. 36, 696).

22. To offset the drift toward acidity referred to in finding 7, and thus to retard the conversion of chlorophyll to pheophytin, it is necessary to incorporate a reserve of alkali in the canned peas, since the quantity of alkalis remaining in the peas from the pre-blanch and blanching is not enough to provide such a reserve in the finished product (R., pp. 106–7, 112).

23. The only substance found suitable for this purpose, by reason of the fact that it provides such a reserve without impairing the natural characteristics of peas, is magnesium hydroxide. This is added to the packing medium in a quantity of about 0.1 percent of the weight of the medium (R., pp. 80, 88, 92, 621–2).

24. The quantity of magnesium hydroxide added, together with the effect of the constituents of peas and other ingredients of the finished product, determines the ultimate pH of the peas and liquid within the can (R., pp. 106–107, 200–1, 631–5, 649).

25. If the canned peas are too alkaline, undesirable flavors and odors foreign to canned peas are developed (R., pp. 635, 690, 701).

26. It is therefore necessary to limit the alkalinity of the finished product, and the most feasible, objectively determinable method of so doing is to prescribe a limit on the pH of the contents of the can (R., p. 702).

27. It has been determined that the maximum pH that can be reached without danger of undesirable effects on canned peas is 8.0 (R., p. 702).

28. A method regarded by experienced chemists as accurate and desirable for determining pH, from the standpoint of both the pea canning industry and enforcement officials, is the method known as the glass electrode method (R., pp. 19, 458).

29. To avoid undue loss of chlorophyll through long heating, the heat process for alkalized peas, after they are sealed in the can, is only 7 minutes, but the temperature of processing is 260° F., when in the size of can most frequently sold. This is the equivalent, in its destructive effect on microorganisms causing spoilage, to the process of 35 minutes at 240° F. used for ordinary canned peas in cans of the same size (R., pp. 33, 52, 818, 823).

30. As a final precaution against undue loss of chlorophyll before purchase by the ultimate consumer, proponents of the alkalizing process recommend that peas canned by that process be stored at a temperature not over 55° F. (R., pp. 340, 755).

31. Under the definition and standard of identity now in effect, canned peas are prepared from one of four pea ingredients, two of which are succulent and two of which are dried. The proponents of the alkalizing process advocate its use for succulent peas only, and regard it as unsuitable for use in canning dried peas since such peas, in the process of maturing, lose widely varying proportions of their chlorophyll and are of nonuniform color, and when canned by such process their already undesirable lack of uniformity in color is emphasized (R., pp. 697, 698, 713, 804, 972).

32. Extensive investigations of the effects of sodium carbonate, calcium hydroxide, and magnesium hydroxide as used in the alkalizing process have failed to show any harmful effects upon the nutritive value of canned peas (R., pp. 639, 987–8, 1009).

33. Sodium carbonate, calcium hydroxide, and magnesium hydroxide, used as described in the preceding findings, are suitable optional ingredients of canned peas prepared from succulent peas (R., pp. 75, 698).

34. Consumers are concerned to know when chemicals are added to canned peas (R., pp. 321–2, 325–6).

35. The use of the alkalizing chemicals sodium carbonate, calcium hydroxide, and magnesium hydroxide in canned peas without informing the purchasers thereof would not promote honesty and fair dealing in the interest of consumers (R., pp. 1182–3).

36. Sodium carbonate, calcium hydroxide, and magnesium hydroxide are the common names of the chemicals used in the alkalizing process for canned peas; such chemicals belong to a group commonly known as "alkalis" (R., pp. 1162–4, 1181).

Upon the basis of the foregoing detailed findings of fact, it is found and concluded that it will promote honesty and fair dealing in the interest of consumers to amend the regulation fixing and establishing a definition and standard of identity for canned peas so as to permit the use as optional ingredients in succulent canned peas of sodium carbonate, calcium hydroxide, and magnesium hydroxide in the quantities specified in the following amendments to the regulation and to require that such substances be named on the label of canned peas in which they are used.

Wherefore the regulation fixing and establishing a definition and standard of identity for canned peas is amended as follows:

Regulation

1. Section 51.000 (c) is amended to read:

(c) The following optional ingredients may be used:

(1) Salt;
(2) Sugar;
(3) Dextrose;
(4) Spice;
(5) Flavoring;
(6) Artificial coloring;

and in case optional pea ingredient (1) or (2) is used,

(7) Sodium carbonate, calcium hydroxide, and magnesium hydroxide in such quantity that the hydrogen ion concentration of the finished canned peas, as determined by the glass electrode method, is not more than pH 8.

2. Section 51.000 (f) is amended by renumbering subparagraph (6) as subparagraph (7) and inserting immediately before such subparagraph a new subparagraph reading:

(6) If optional ingredient (c) (7) is used, the label shall bear the statement "Traces of sodium carbonate, calcium hydroxide, and magnesium hydroxide added"; but in lieu of such statement the label may bear the statement "Traces of alkalis added."

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2242, South Building, 14th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

[SEAL] WATSON B. MILLER,
Acting Administrator.

OCTOBER 16, 1942.

[F. R. Doc. 42-10472; Filed, October 17, 1942; 11:27 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-27]

SALISBURY, MD.—CAPE CHARLES, VA.

MOTOR VEHICLE PASSENGER SERVICE COORDINATION

Order directing Coordinated Operation of Passenger Carriers by Motor Vehicle Between Salisbury, Maryland, and Cape Charles, Virginia.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers, filed with this Office by Pennsylvania Greyhound Lines, Inc., Cleveland, Ohio, and Eastern Shore Transit Co., Inc., Cape Charles, Virginia, and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. Pennsylvania Greyhound Lines, Inc. and Eastern Shore Transit Co., Inc. (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Salisbury, Maryland, and Cape Charles, Virginia, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment and extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies, and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers;

(d) Each operate a through service of not to exceed three round trips daily.

2. The carriers forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

This order shall become effective October 24, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 17th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10469; Filed, October 17, 1942; 11:01 a. m.]

[Supplementary Order O. D. T. 3 Revised-2]

R-B FREIGHT LINES, INC.—G & P TRANSPORTATION CO.

MOTOR VEHICLE TRANSPORTATION SERVICE COORDINATION

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of commodities, generally, filed with this Office by R-B Freight Lines, Inc., Aberdeen, South Dakota, and G & P Transportation Company, St. Paul, Minnesota, as governed by § 501.9 of General Order O. D. T. No. 3, Revised, as amended,[1] and good cause appearing therefor, *It is hereby ordered,* That:

1. R-B Freight Lines, Inc. shall:

(a) Discontinue the transportation of all less-than-truckload shipments originating at or moving through its terminals at either Minneapolis or St. Paul, Minnesota, or Aberdeen, South Dakota, destined to all intermediate points on U. S. Highway No. 12 between Minneapolis or St. Paul, Minnesota, on the one hand, and Aberdeen, South Dakota, on the other, and shall divert such shipments to the G & P Transportation Company.

(b) Accept from the G & P Transportation Company all less-than-truckload shipments originating at or moving through its terminals at either Minneapolis or St. Paul, Minnesota, or Aberdeen, South Dakota, destined to Redfield, Clark, and Watertown, South Dakota, on U. S. Highways Nos. 212 and 281, and transport such shipments on its own vehicles to destination.

2. G & P Transportation Company shall:

(a) Discontinue the transportation of all less-than-truckload shipments originating at or moving through its terminals at either Minneapolis or St. Paul, Minnesota, or Aberdeen, South Dakota, destined to all intermediate points on U. S. Highways Nos. 212 and 281, and divert such shipments as are destined to Redfield, Clark, and Watertown, South Dakota, to the R-B Freight Lines, Inc.; and divert to the Western Transportation Company all such shipments destined to points intermediate on U. S. Highways Nos. 212 and 281, between Minneapolis or St. Paul, Minnesota, on the one hand, and Aberdeen, South Dakota, on the other, except Redfield, Clark, and Watertown, South Dakota.

(b) Accept from the R-B Freight Lines, Inc. all less-than-truckload shipments originating at or moving through its terminals at Minneapolis or St. Paul, Minnesota, or Aberdeen, South Dakota, destined to all intermediate points on U. S. Highway No. 12 between Minneapolis or St. Paul, Minnesota, on the one hand, and Aberdeen, South Dakota, on the other, and transport such shipments on its own vehicles to destination.

3. The carrier to whom any such shipment shall have been diverted shall forward such shipment on the billing and pursuant to the tariff rate and the rules and regulations of the carrier issuing the bill of lading.

4. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed

[1] 7 F.R. 5445, 5448, 6689, 7694.

tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this Order; and forthwith shall apply to said Commission and to each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

5. A copy of this Order shall be filed forthwith with the Interstate Commerce Commission and with the appropriate State regulatory authorities.

6. Nothing contained herein shall be so construed as to permit or require the motor carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

This Order shall become effective on the 17th day of October, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 17th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10470; Filed, October 17, 1942; 11:01 a. m.]

OFFICE OF PRICE ADMINISTRATION

[Order 26 Under RPS 64]

ORIGINAL ENAMEL RANGE COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 26 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On August 7, 1942, the Original Enamel Range Company, Belleville, Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of the maximum price for a new model coal and gas range, designated in the application as Model No. 442.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Original Enamel Range Company may sell, offer to sell, deliver or transfer Model No. 442 at a maximum price of $66.98 f. o. b. factory to dealers, subject to discounts, allowances and terms no less favorable than those in effect as to Model No. 400, under § 1356.1 (a) (1) of Revised Price Schedule No. 64.

(b) This Order No. 26 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 26 shall become effective on the 17th day of October 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10424; Filed, October 16, 1942; 12:02 p. m.]

[Suspension Order 142]

RANDALL M. WALKER

ORDER RESTRICTING TRANSACTIONS

Randall M. Walker, doing business as Walker Oil Company, Walker Chevrolet Company and Tank Car Station No. 5, in Jesup, Georgia, hereinafter called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations,[1] issued by the Office of Price Administration. Pursuant to said notice and stipulations made by respondent with respect thereto, a hearing upon such charges was held September 17, 1942, in Atlanta, Georgia. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator.

It is hereby determined that:

(1) On July 22, 1942, respondent was both a dealer in and an intermediate distributor of gasoline having a place of business at Jesup, Georgia.

(2) Respondent has violated § 1394.-1601 of the Gasoline Rationing Regulations in that on July 22 and July 24, 1942, in his registrations with Wayne County, Georgia, War Price and Rationing Board, he represented that the total inventory of gasoline that he had on hand as a dealer and intermediate distributor as of 12:01 A. M. July 22, 1942, was 2699 gallons, whereas the total inventory of said gasoline was in fact 6888 gallons and respondent thereby obtained inventory coupons in an amount 4189 gallons in excess of that to which he was then entitled.

The violations of the Gasoline Rationing Regulations by respondent have interferred with the effective administration and enforcement of the Gasoline Rationing Regulations which have been prescribed in the public interest to promote the national defense. It appears to the Deputy Administrator from the evidence before him that further violations of the Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action is taken,

It is therefore ordered, That: (a) Within three (3) days after the effective date of this order respondent shall surrender to the War Price and Rationing Board, Wayne County, Georgia, bulk, inventory or other gasoline rationing coupons for a total amount of 4189 gallons of gasoline and upon such surrender said Board shall cancel the same.

(b) During the period in which this Suspension Order shall be in effect, respondent shall not sell, transfer or deliver any gasoline to any consumer.

(c) Any terms used in this order that are defined in the Gasoline Rationing Regulations shall have the meaning therein given them.

(d) This Suspension Order No. 142 shall become effective 12:01 A. M. October 22, 1942, and unless sooner terminated, shall expire 12:01 A. M. November 21, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1 and Supp. Dir. 1H; 7 F.R. 562, 3478, 3877)

Issued this 16th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator,
In charge of Rationing.

[F. R. Doc. 42-10425; Filed, October 16, 1942; 12:02 p. m.]

[1] 7 F.R. 5225.

[Order 1 Under MPR 127]

R. GOPERSTEIN COMPANY

ORDER DENYING EXCEPTION

Order 1 under Maximum Price Regulation 127—Finished Piece Goods—Docket 3127-541.

On July 16, 1942, Irwin Levine, Esq., 261 Broadway, New York, New York, filed a petition on behalf of R. Goperstein Company, 152 Madison Avenue, New York, New York, for an exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Due consideration has been given to the petition, and an opinion in support of this Order No. 1 has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered,* That said petition be, and it hereby is, denied.

(a) This order shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10452; Filed, October 16, 1942; 3:44 p. m.]

[Order 2 Under MPR 127]

MILTON C. BLUM, INC.

ORDER GRANTING EXCEPTION

Order 2 under Maximum Price Regulation 127—Finished Piece Goods—Docket 3127-479.

On June 24, 1942, Milton C. Blum, Inc., 357 Fourth Avenue, New York, New York, filed a petition for exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Consideration has been given to the petition and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Milton C. Blum, Inc., is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 and may sell and deliver the 600 pieces of finished piece goods purchased by the said Milton C. Blum,

Inc., on February 10, 1942 in a finished state, at a price not in excess of that provided for wholesalers and jobbers in § 1400.82 (i) (1) of said Maximum Price Regulation No. 127.

(b) All prayers of the petition not granted herein are denied.

(c) Unless the context otherwise requires, the definitions set forth in § 1400.81 of Maximum Price Regulation No. 127 shall apply to the terms used herein.

(d) This Order No. 2 shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10453; Filed, October 16, 1942; 3:44 p. m.]

[Order 3 Under MPR 127]

MOUAKAD BROS., INC.

ORDER GRANTING EXCEPTION

Order 3 under Maximum Price Regulation 127—Finished Piece Goods—Docket 3127-61.

On May 8, 1942, Mouakad Bros., Inc., 512 Seventh Avenue, New York, New York, filed a petition for exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Consideration has been given to the petition and an opinion in support of this Order No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Mouakad Bros., Inc., is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 and may sell and deliver the 70,991 yards of finished piece goods purchased by the said Mouakad Bros., Inc., on April 10, 1942, from Theo. H. Davies & Company, Ltd. of 165 Broadway, New York, New York.

(b) The sale and delivery of the 70,991 yards of finished piece goods shall be subject to the following conditions:

(1) The price of the goods sold shall not exceed the price provided for wholesalers and jobbers in § 1400.82 (i) (1) of Maximum Price Regulation No. 127.

(2) The restrictions set forth in §§ 1400.82 (i) (2) (ii) and 1400.82 (i) (2) (iv) are specifically made applicable to any sales made pursuant to the permission herein granted.

(c) All prayers of the petition not granted herein are denied.

(d) Unless the context otherwise requires, the definitions set forth in § 1400.81 of Maximum Price Regulation No. 127 shall apply to the terms used herein.

(e) This Order No. 3 shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10454; Filed, October 16, 1942; 3:45 p. m.]

[Order 4 Under MPR 127]

EDWARD P. STAHEL AND COMPANY

ORDER GRANTING EXCEPTION

Order 4 under Maximum Price Regulation 127—Finished Piece Goods—Docket 3127-517.

On July 1, 1942, Edward P. Stahel and Company, Inc., 354 Fourth Avenue, New York, New York, filed a petition for exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Consideration has been given to the petition and an opinion in support of this Order No. 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration: *It is hereby ordered:*

(a) Edward P. Stahel and Company Inc., is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 and may sell and deliver the 5,611.5 yards of all-Bemberg rayon yarn-dyed fabric, which the said Edward P. Stahel had on hand July 1, 1942.

(b) The exception granted herein shall be subject to the following provisions:

(1) The sale and delivery of the yarn-dyed fabrics shall be at a price not to exceed that provided for wholesalers and jobbers in § 1400.82 (i) (1) of said Regulation No. 127.

(2) The restrictions set forth in §§ 1400.82 (i) (2) (ii) and 1400.82 (i) (2) (iv) are specifically made applicable to any sales of jobbed goods made pursuant to the permission herein granted.

(c) All prayers of the petition not granted herein are denied.

(d) Unless the context otherwise requires, the definitions set forth in § 1400.81 of Maximum Price Regulation No. 127, shall apply to the terms used herein.

(e) This Order No. 4 shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10455; Filed, October 16, 1942; 3:45 p. m.]

[Order 5 Under MPR 127]

HOFMANN-STONE, INC.

ORDER GRANTING EXCEPTION

Order 5 under Maximum Price Regulation 127—Finished Piece Goods—Docket 3127-361.

On June 5, 1942, Hofmann-Stone, Inc., 230 Fifth Avenue, New York, New York, herein called petitioner, filed a petition for exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Consideration has been given the petition and an opinion in support of this Order No. 4 has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Hofmann-Stone, Inc., is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 and may insofar as it purchases finished piece goods and acts as a jobber thereof, charge a markup on such jobbing sales not in excess of that provided for wholesalers and jobbers under § 1400.82 (i) (1) of said regulation.

(b) The permission granted to the above named company is subject to the following conditions:

(1) That the percentage of goods sold by said company as a jobber shall not be greater than 16% of its annual total sales of finished piece goods.

(2) The restrictions imposed by § 1400.82 (i) (2) (ii) and (i) (2) (iv) are specifically made applicable to the jobbing sales made by petitioner under the permission granted by this order.

(3) Said company may not charge such jobber's markup with respect to finished piece goods purchased from a person controlling, controlled by or under common control with such company.

(4) Said company shall file with the Office of Price Administration, Washington, D. C., on or before the 10th day of November 1942, a report showing the total dollar volume of sales of finished piece goods (whether for immediate or future delivery) which such company made during the preceding month and showing that portion thereof (in dollar volume) constituted sales of converted goods and jobbed goods respectively. Said company shall file a similar report each month up to and including a report on or before January 10, 1943. Thereafter said company shall file a similar report quarterly giving the information called for above. Said company shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records necessary to verify such reports.

(c) All prayers of the petition not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10456; Filed, October 16, 1942; 3:45 p. m.]

[Order 6 Under MPR 127]

ALRO CONVERTING CORP.

ORDER GRANTING EXCEPTION

Order 6 under Maximum Price Regulation 127—Finished Piece Goods—Dockets 3127-192 and 3127-482.

On May 18, 1942 and June 23, 1942, Alro Converting Corp. of 1410 Broadway, New York, New York, filed the above petitions for exception pursuant to § 1400.82 (i) (3) of Maximum Price Regu-

lation No. 127. Consideration has been given to the petitions and an opinion in support of this order No. 6 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the price administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration: *It is hereby ordered:*

(a) Alro Converting Corp. is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 to the extent and only to the extent provided in paragraphs (b) and (c) below.

(b) Said Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the specific goods described in subparagraphs (1) and (2), at prices set forth in paragraph (c):

(1) That portion of 76,000 yards of printed piece goods purchased from Tabin-Picker and Company, Chicago, Illinois, which were not sold and delivered at the time of the issuance of Maximum Price Regulation No. 127;

(2) The 969 yards of black Luana, construction of which is 108 48–150 denier acetate warp, 42½" Read 15's Spun Rayon Filler; and 6304⅞ yards of black 2-way Flake Spun Rayon construction of which is 44x42—all Spun Rayon, purchased on April 10, 1942 from the Sterling Company, Chicago, Illinois;

(c) The above goods shall be sold at a price not in excess of that price provided for wholesalers and jobbers in § 1400.82 (i) (1) of said Maximum Price Regulation No. 127.

(d) All prayers of the petitions not granted herein are denied.

(e) Unless the context otherwise requires definitions set forth in § 1400.81 of Maximum Price Regulation No. 127 shall apply to the terms used herein.

(f) This order No. 6 shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10457; Filed, October 16, 1942; 3:46 p. m.]

[Suspension Order 143]

H. J. HICKEY AND M. H. HICKEY

ORDER RESTRICTING TRANSACTIONS

H. J. Hickey and M. H. Hickey, copartners doing business as Young Ice Cream Company, Montgomery, Alabama, hereinafter called respondents, were duly served with a notice of specific charges of violation of Rationing Order No. 3, The Sugar Rationing Regulations, issued by the Office of Price Administration. Pursuant to said notice, a hearing upon said charges was held in Montgomery, Alabama, on September 11, 1942. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, *It is hereby determined,* That:

(1) On April 28, 1942, respondents registered for the Young Ice Cream Company, an industrial user of sugar located at 121 Bell Street, Montgomery, Alabama, and filed OPA Form R-310 with local rationing board No. 51-1, Montgomery, Alabama.

(2) Respondents have violated § 1407.-83 of the Sugar Rationing Regulations in that on said OPA Form R-310 respondents declared that the inventory of sugar owned by them on April 28, 1942, was 5100 pounds, whereas the inventory of sugar owned by respondents on that date was, in fact, 9554 pounds, as respondents then knew or should have known. Respondents thereby obtained a Sugar Purchase Certificate authorizing them to accept delivery of sugar in an amount 4454 pounds in excess of that to which they were then entitled.

(3) On June 1, 1942, respondents learned that officials of the Office of Price Administration had discovered the violation of the Sugar Rationing Regulations above set forth. Thereafter, respondents did not take delivery of 4,500 pounds of the sugar allotted to them for July and August 1942.

Because of the scarcity of sugar in the United States, the violation of the Sugar Rationing Regulations by respondents resulted in the diversion of sugar from military and essential civilian uses into nonessential uses in a manner contrary to public interest and detrimental to national defense. And it appearing to the Deputy Administrator from the evidence before him that further violations of the Sugar Rationing Regulations by respondents are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(a) That the allotment of sugar for which respondents would otherwise be eligible under the Sugar Rationing Regulations for the months of November and December 1942, shall be reduced by 5,000 pounds.

(b) Any terms used in this suspension order that are defined in the Sugar Rationing Regulations shall have the meaning therein given them.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong, as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Dir. No. 1 and Supp. Dir. No. 1E (7 F.R. 2965))

Issued and effective this 16th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42-10446; Filed, October 16, 1942; 3:42 p. m.]

[Order 27 Under RPS 64]

OSCAR G. THOMAS CO.

APPROVAL OF MAXIMUM PRICES

Order 27 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 24, 1942, Oscar G. Thomas Co., Taunton, Mass., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum prices for one combination (dual oven) gas and coal range and one coal and wood range, designated in said application as Models Nos. 50 and 70.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Oscar G. Thomas Co. may sell, offer to sell, deliver, or transfer the following models at prices no higher than those specified:

	F.o.b. factory to dealers
Model No. 50	$101.74
Model No. 70	83.40

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable Model No. 49, under § 1356.1 of Revised Price Schedule No. 64.

(b) This Order No. 27 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 27 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10477; Filed, October 17, 1942; 12:16 p. m.]

[Order 28 Under RPS 64]

KARR RANGE CO.

APPROVAL OF MAXIMUM PRICES

Order No. 28 to Revised Price Schedule 64—Domestic Cooking and Heating Stoves.

On August 17, 1942, Karr Range Company, Belleville, Illinois, filed an application, pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum prices for a new model coal and wood range and a new model coal and wood heating stove, designated in said application as Model 22–22 and Model No. 80, respectively.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Karr Range Company may sell, offer to sell, or deliver the following models at prices no higher than those specified:

	F.o.b. factory to dealers
Model 22–22	$53.42
Model 80	53.12

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable Models Nos. 20–20 and 622, respectively, as established under Revised Price Schedule No. 64.

(b) This Order No. 28 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 28 shall become effective on the 19th day of October, 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10478; Filed, October 17, 1942; 12:16 p. m.]

[Order 29 Under RPS 64]

COMSTOCK-CASTLE STOVE CO.

APPROVAL OF MAXIMUM PRICES

Order No. 29 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On August 6, 1942, Comstock-Castle Stove Company, Quincy, Ill., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for a new model wood and coal range, a new model bungalow type combination range and a new model coal heating stove designated in the application as Model Nos. H62RZ, H971RZ and 192OZ respectively.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Comstock-Castle Stove Co. of Quincy, Illinois, may sell, offer to sell, deliver or transfer the following models at prices no higher than those specified:

	f. o. b. factory to dealers	
Model No. H62RZ	@	$61.04
Model No. H971RZ	@	66.50
Model No. 192OZ	@	31.12

subject to discounts, allowances and terms no less favorable than those in effect with respect to the maximum prices of Model Nos. 62R, 1G971R and 1920, respectively, under § 1356.1 (d) of Revised Price Schedule No. 64.

(b) This Order No. 29 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 29 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10479; Filed, October 17, 1942; 12:16 p. m.]

[Order 30 Under RPS 64]

BOSTON STOVE FOUNDRY CO.

APPROVAL OF MAXIMUM PRICES

Order 30 under Revised Price Schedule 64[1]—Domestic Cooking and Heating Stoves.

On July 28, 1942, Boston Stove Foundry Company, Reading, Massachusetts, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for six new models of coal and wood ranges designated in the application as models V19 Black, V29 Black, V32 Black, V19 Enameled, V29 Enameled, and V32 Enameled, respectively.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Boston Stove Foundry Company may sell, offer to sell, or deliver the following new models of coal and wood ranges at prices no higher than those specified:

	To Dealers
Model No. V19 Black	$31.76
Model No. V29 Black	40.26
Model No. V32 Black	50.64
Model No. V19 Enameled	52.23
Model No. V29 Enameled	58.63
Model No. V32 Enameled	67.26

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the respective comparable models, F19 Black, F29 Black, F32 Black, F19 Enameled, F29 Enameled and F32 Enameled, as established under Revised Price Schedule No. 64: *Provided,* That on the models set forth above freight on all shipments is prepaid to all points within New England and that on all shipments outside New England a 30¢ per cwt. freight allowance is made.

(b) This Order No. 30 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

[1] 7 F.R. 1329, 1836, 2000, 2132, 4404, 5872, 6221.

(d) This Order No. 30 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10480; Filed, October 17, 1942; 12:17 p. m.]

[Order 31 to RPS 64]

EAGLE FOUNDRY CO.

APPROVAL OF MAXIMUM PRICES

Order No. 31 to Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On August 24, 1942, the Eagle Foundry Company, Belleville, Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price on one new model gas range, designated in the application as Model No. V–4216.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Eagle Foundry Company may sell, offer to sell, deliver, or transfer the following model at a price no higher than that specified:

	Factory to Dealers
Model No. V–4216	$39.76 F. O. B.

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable Model No. 1641–B–3 under § 1356.1 of Revised Price Schedule No. 64.

(b) This Order No. 31 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 31 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10481; Filed, October 17, 1942; 12:17 p. m.]

[Order 32 Under RPS 64]

AB STOVES, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 32 to Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On August 20, 1942, AB Stoves, Inc., Battle Creek, Mich., filed an application

pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices on one new model gas range, designated in the application as Model No. 42–156.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) AB Stoves, Inc., may sell, offer to sell, deliver, or transfer the following model at a price no higher than that specified:

	F. o. b. Factory to Dealers
Model No. 42–156	$33.10

subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable Model No. 37–156, as established under Revised Price Schedule No. 64.

(b) This Order No. 32 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 32 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10482; Filed, October 17, 1942; 12:17 p. m.]

[Order 33 Under RPS 64]

ADVANCE STOVE WORKS

APPROVAL OF MAXIMUM PRICES

Order No. 33 under Revised Price Schedule No. 64[1]—Domestic Cooking and Heating Stoves.

On August 14, 1942, Advance Stove Works, Evansville, Indiana, filed an application, pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum prices for two coal and wood ranges, designated in said application as Models Nos. 4100PL and 4100SP.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Advance Stove Works may sell, offer to sell, deliver, or transfer the following models at prices no higher than those specified:

	F. o. b. factory to dealers
Model No. 4100PL	$29.21
Model No. 4100SP	39.69

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable Model No. 100G, under § 1356.1 of Revised Price Schedule No. 64.

(b) This Order No. 33 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 33 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10483; Filed, October 17, 1942; 12:18 p. m.]

[Order 34 Under RPS 64]

MAJESTIC MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

Order No. 34 to Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On July 31, 1942, Majestic Manufacturing Company, St. Louis, Missouri, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for four new models of coal and wood ranges designated in the application as Model Nos. PFS–030, PFS–020, PFB–032 and PFB–022.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Majestic Manufacturing Company may sell, offer to sell or deliver the following models at prices no higher than those specified:

	F. o. b. factory to dealers
Model No. PFS–030	$77.71
Model No. PFS–020	77.41
Model No. PFB–032	85.91
Model No. PFB–022	85.72

subject to discounts, allowances and terms no less favorable than those in effect with respect to the respective comparable models Nos. FS–030, FS–020, FB–032 and FB–022, as established under Revised Price Schedule No. 64.

(b) This Order No. 34 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 34 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10484; Filed, October 17, 1942; 12:18 p. m.]

[Order 35 Under RPS 64]

DIXIE FOUNDRY CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 35 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 15, 1942, the Dixie Foundry Company, Inc., Cleveland, Tenn., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices of five new models of coal and wood ranges, designated in said application as Models Nos. V4A–PA9, V4A–SA9, V8250–W9, V10B–SA9, and V10B–FA9.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Dixie Foundry Company, Inc., may sell, offer to sell, transfer or deliver the following Models at prices no higher than those specified:

	F. o. b. factory to dealers
Model No. V4A–PA9	$17.65
Model No. V4A–SA9	19.89
Model No. V8250–W9	30.62
Model No. V10B–SA9	32.55
Model No. V10B–FA9	35.83

subject to discounts, allowances and terms no less favorable than those in effect with respect to comparable Models Nos. 4A–PA2, 4A–SA2, 2A–FA2, 10B–SA4, and 10B–FA4, respectively, under § 1356.1 of Revised Price Schedule No. 64.

(b) This Order No. 35 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 35 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10485; Filed, October 17, 1942; 12:18 p. m.]

[Order 36 Under RPS 64]

DIXIE FOUNDRY CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 36 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

[1] 7 F.R. 1329, 1836, 2000, 2132, 4404, 5872, 6221.

On September 26, 1942, Dixie Foundry Co., Inc., Cleveland, Tenn., filed an application pursuant to § 1356.1 (d) for approval of the maximum price for a new model of Bungalow type combination coal and gas range, designated in said application as Model No. 85F–A2. Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Dixie Foundry Co., Inc., may sell, offer to sell, deliver or transfer Model No. 85F–A2, Bungalow type combination coal and gas range at a maximum price of $42.56 F.O.B. factory to dealers, subject to discounts, terms and allowances no less favorable than those in effect as to Model No. CB72F–A2, under § 1356.1 (a) (1) of Revised Price Schedule No. 64.

(b) This Order No. 36 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

This Order No. 36 shall become effective on the 19th day of October, 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10486; Filed, October 17, 1942; 12:18 p. m.]

[Order 6 Under RPS 88]

G. L. F. FARM SUPPLIES, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 6 under § 1340.156 (b) of Revised Price Schedule No. 88—Petroleum and Petroleum Products—Docket No. 3088–72.

On May 27, 1942 Cooperative G. L. F. Farm Supplies Inc., Ithaca, New York, filed a Petition for Exception pursuant to § 1340.156 (b) of Revised Price Schedule No. 88. Due consideration has been given to the Petition and an Opinion in support of this Order No. 6 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, it is hereby ordered that:

(a) Said petition be and it is hereby denied in whole; and

(b) This Order No. 6 shall become effective October 19, 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10492; Filed, October 17, 1942; 12:19 p. m.]

[Order 3 Under MPR 152]

VINCENNES PACKING CORPORATION, VINCENNES, IND.

APPROVAL OF MAXIMUM PRICES

Order No. 3 under Maximum Price Regulation No. 152—Canned Vegetables.

On September 15, 1942, the Vincennes Packing Corporation, filed an application for specific authorization to charge a particular maximum price pursuant to § 1341.22 (d) of Maximum Price Regulation No. 152. It has been sufficiently demonstrated to the Price Administrator that this applicant is unable to establish a maximum price for No. 10 tomato puree pursuant to the pricing provisions of § 1341.22.

Due consideration has been given to the information submitted by the applicant with respect to 1942 pack No. 10 containers of tomato puree, of 1.050 plus, specific gravity. The No. 10 container size of this product was not sold by the applicant heretofore.

For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, 7 F.R. 7871, *It is hereby ordered,* That:

(a) The Vincennes Packing Corporation may sell, offer to sell or deliver and any person may buy, offer to buy or receive No. 10 containers of tomato puree, 1942 pack, 1.050 plus, specific gravity at a price no higher than $5.50 per dozen, f. o. b. factory.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 shall apply to terms used herein.

(d) This Order No. 3 shall become effective on October 19, 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10491; Filed, October 17, 1942; 12:15 p. m.]

[Order 1 Under MPR 198]

AMERICAN SMELTING AND REFINING CO.

IMPORTS OF DORE

Order 1 under § 1387.1 (b) of Maximum Price Regulation 198—Imports of Silver Bullion.

An opinion setting forth the grounds upon which this order is based is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and § 1387.1 (b) of Maximum Price Regulation No. 198, *It is hereby ordered,* That:

(a) American Smelting and Refining Company, 120 Broadway, New York, New York, may import dore from the Honduras properties of the New York and Honduras-Rosario Mining Company at a price not in excess of that established by Maximum Price Regulation No. 198 for silver bullion in standard commercial bars, calculated on the basis of silver content, less 1½ cents per ounce of gross weight of such dore: *Provided, however,* That, there may be added to such price the value of the gold content of the dore calculated at a price not in excess of $34.9125 per ounce.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 1 shall become effective October 19, 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10493; Filed, October 17, 1942; 12:14 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59–58]

INDIANA SERVICE CORPORATION, ET AL.

NOTICE OF AND ORDER INSTITUTING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 16th day of October, 1942.

In the matter of Indiana Service Corporation, Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, respondents.

The Commission having examined the corporate structure of Indiana Service Corporation, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, a registered holding company, which in turn is a subsidiary of Hugh M. Morris, trustee of the estate of Midland United Company, also a registered holding company, and the files and records of the Commission with respect thereto, and said examination having disclosed data establishing or tending to establish that:

1. Midland Utilities Company, a public utility holding company, is a Delaware corporation, which is and has been since June 9, 1934, in reorganization under section 77B of the Bankruptcy Act, as amended, under the jurisdiction of the United States District Court for the District of Delaware. Clarence A. Southerland and Jay Samuel Hartt were appointed Trustees of the Estate of Midland Utilities Company on October 24, 1938. Clarence A. Southerland and Jay Samuel Hartt, as trustees of the estate of Midland Utilities Company, are a registered holding company under the Public Utility Holding Company Act of 1935.

2. Indiana Service Corporation is a corporation organized under the laws of the State of Indiana and maintains a principal office in the city of Fort Wayne, State of Indiana. Indiana Service Corporation is engaged in the generation, purchase, transmission, and distribution of electrical energy in the north-central and northeastern parts of Indiana, including the city of Fort Wayne. Gas service is furnished in the city of Delphi and water service in the town of Churu-

busco in the State of Indiana. Indiana Service Corporation operates the transportation system in Fort Wayne by means of street cars, trolley coaches, and motor coach feeder lines. The company also operates an electric interurban railway line between Fort Wayne and Garrett, Indiana, for the transportation of freight, the largest portion of which is coal for use in the company's generating plant in Fort Wayne.

A condensed balance sheet, per books, of the company, as of December 31, 1941, is as follows:

Assets and other debits

Plant and property		$16,951,337.18
Current assets		2,245,259.46
Other physical assets		970,931.75
Other assets		16,450.69
Deferred debits:		
Preferred stock discount and expense	$306,991.45	
Unamortized debt discount and expense	335,484.39	
Prepayments and deferred charges	40,487.80	
		682,963.64
Total assets and other debits		20,866,942.62

Liabilities and other credits

Current liabilities		$812,514.76
Contributions in aid of construction		228,338.11
Reserves:		
Depreciation:		
Utility plant	$837,974.75	
Street railway property	74,923.35	
Trolley coach and bus	105,037.36	
Miscellaneous reserves	67,048.88	
		1,084,984.34
Deferred liabilities		76,521.10
Long term debt (owned by public)		12,115,683.20
Debt to parent, including interest		3,868,927.40
Preferred stock (owned by public)		3,032,800.00
Common stock (1% owned by public)		7,380,000.00
Surplus (deficit)		*7,732,826.38
Total liabilities and other credits		20,866,942.62

*Denotes a red figure.

3. As of December 31, 1941, utility plant and railway property per books of Indiana Service Corporation amounted to $16,951,337. As of the same date of retirement reserve amounted to $1,017,935 or 6.01% of utility plant and railway property.

4. Included in the plant and property account of the company are certain items which have been classified by the company as Proposed Plant Adjustments (F.P.C. Account #107). These total $221,992. Of this amount the company proposes to charge $187,421.00 against Earned Surplus, $37,002.00 against Depreciation Reserve, and $2,431.00 against Contributions in Aid of Construction.

5. A segregation of the gross plant account, the depreciation reserve by classes of utilities, the resultant net plant account by classes of utilities, and the percent of reserve to gross plant account, per books, as at December 31, 1941, were as follows:

Type of property	Gross plant account	Depreciation reserve	Net plant account	Percent of depreciation reserve to gross plant account
Electric, gas, water and common	$12,234,500	$37,975	$11,396,525	0.85
Street railway	3,523,500	74,923	3,448,577	2.13
Trolley coach and motor bus	738,000	105,037	632,963	14.23
Interurban railway	455,000	None	455,000	
Total plant account	16,951,000	1,017,935	15,933,065	6.01

6. Indiana Service Corporation proposes to convert the city railway in Fort Wayne to a trackless electric trolley system. When the present investment in the street railway system is written off, earned surplus will be charged in the approximate amount of $2,678,600.

7. There is recorded on the balance sheet of Indiana Service Corporation, as of December 31, 1941, an item in the amount of $970,932 representing land and buildings not used in rendering utility service. The principal portion of such property was formerly used in railway operations, and it is anticipated that its disposition will result in a substantial loss thereby further increasing the existing earned surplus deficit.

8. Dividends have not been paid on the 7% cumulative preferred stock of Indiana Service Corporation since 1932. As of December 31, 1941, the accumulated unpaid dividends on this class of stock amounted to $69.13 per share or a total of $947,495.

9. Dividends have not been paid on the 6% cumulative preferred stock of Indiana Service Corporation since 1932. As of December 31, 1941, the accumulated unpaid dividends on this class of stock amounted to $59.25 per share or a total of $984,786.

10. Dividends have not been paid on the common stock since 1930.

11. The setting up of adequate reserves to absorb the loss expected to result from the abandonment of the street railway property ($2,678,600) for preferred stock dividends in arrears ($1,032,281) and the write-off of plant adjustments ($187,421) would increase the earned surplus deficit as at December 31, 1941, to approximately $12,531,128.

12. It is probable that the finally adjusted deficit in surplus will exceed this figure since the depreciation reserve appears to be inadequate.

13. The capital structure, including surplus, of Indiana Service Corporation, per books, as of December 31, 1941, and adjusted to give effect to (a) cumulative preferred stock dividends in arrears, (b) a full reserve for the eventual write-off of the street railway property (except that property which is useful in other operations), and (c) the write-off of Plant Adjustments Account 107 is shown below:

	Amt. outstanding per books as at Dec. 31, 1941	Percent of total capitalization	Amounts as adjusted	Percent of total capitalization
LONG TERM DEBT				
1st 5's of 59 (held by public)	6,970,500.00	37.4	6,970,500	44.2
1st 5's of 63 (held by public)	5,000,000.00	26.8	5,000,000	31.6
Equipment obligations (public)	145,183.20	.7	145,183	.9
Debt to parent	3,868,927.40	20.7	3,868,927	24.4
Total long term debt	16,984,610.60	85.6	15,984,610	101.1
PREFERRED STOCK				
7% cum. 13,700 shs. (held by public)	1,370,000.00	7.3	1,370,000	8.7
6% cum. 16,622 shs. (held by public)	1,662,800.00	8.9	1,662,800	10.5
Total preferred stock	3,032,800.00	16.2	3,032,800	19.2
DIVIDENDS IN ARREARS				
7%—$69.13 per share			947,495	6.0
6%—$59.25 per share			984,786	6.2
Total arrears			1,932,281	12.2
Total preferred stock and arrears	3,032,800.00	16.2	4,965,081	31.4
COMMON STOCK AND SURPLUS				
738,000 shs. (1% owned by public)	7,380,000.00	39.6	7,380,000	46.7
Surplus (deficit)	*7,732,826.38	*41.4	*12,531,128	*79.2
Total common and surplus	*352,826.38	*1.8	*5,151,128	*32.5
Total capital structure	18,664,584.22	100.0	15,798,563	100.0

*Indicates a red figure.

14. As of December 31, 1941, per books, the ratio of total debt, excluding alleged debt to Clarence A. Southerland and Jay Samuel Hartt, trustees of Midland Utilities Company, to net fixed property, adjusted to reflect the write-off of the street railway property (except that property which is useful in other operations), and Plant Adjustments (F.P.C. Account No. 107) amounted to 93 per cent. As of the same date, per books, the ratio of total debt, including the alleged debt to parent company, to net fixed property, as adjusted (plus other net assets) amounted to 104 per cent.

As of the same date, total debt and preferred stock (including cumulative dividend arrears) amounted to 136 per cent. of total net fixed property as adjusted, plus other net assets.

15. The following tabulation sets forth Gross Income and Deductions therefrom, per books, of Indiana Service Corporation, for the last six calendar years together with the resulting dividend coverages:

	1936	1937	1938	1939	1940	1941
Gross income	$908,617	$1,025,088	$698,629	$920,162	$1,033,081	$1,206,332
Income deductions:						
Interest on long-term debt	626,511	620,905	613,687	606,184	611,587	609,007
Interest on Midland Utilities notes	140,387	139,450	139,450	137,783	136,950	136,950
Other general interest	5,512	46	595	185	448	663
Amortization of debt discount and expense	28,225	27,904	27,507	27,095	28,605	26,677
Miscellaneous deductions		7,849	8,054	8,113	8,123	8,585
Total income deductions	800,635	796,154	739,293	779,360	785,718	781,887
Net income	107,982	228,934	*90,664	140,802	247,363	424,445
Preferred dividend requirements	195,674	195,674	195,674	195,674	195,674	195,674
Balance for dividends on common stock	None	33,260	None	None	- 51,689	228,771
Times earned ratios:						
Interest on long-term debt	1.45	1.65	1.14	1.52	1.69	1.97
Total income deductions	1.13	1.29	.89	1.18	1.31	1.54
Debt and preferred dividend requirements	.91	1.03	.71	.94	1.05	1.23
Earnings per share of common stock	None	$0.045	None	None	$0.070	$0.309

* Indicates red figure.

16. The following tabulation shows deductions for depreciation in the Federal Income Tax return for the years 1935 to 1941, together with the provisions for depreciation per books for those years:

Year	Depreciation		Difference
	Charged to income per books	Deductions for Federal income tax	
1935	$236,690	$860,943	$624,253
1936	345,021	592,110	247,089
1937	345,040	581,714	236,674
1938	345,040	532,243	187,203
1939	345,040	492,544	147,504
1940	387,630	387,630	
1941	450,546	462,009	11,463

17. By reason of the failure to pay preferred stock dividends, as described in paragraphs 8 and 9 above, all of the preferred stock of Indiana Service Corporation has acquired certain voting rights, to the extent of one vote per share.

18. As of December 31, 1941, the distribution of voting power among the various classes of stockholders of Indiana Service Corporation was as follows:

	Votes	*Percent*
7% Cumulative preferred	13,706	1.7
6% Cumulative preferred	16,622	2.2
Common	738,000	96.1
Total	768,328	100.0

19. As of December 31, 1941, Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, owned 728,840.73 shares, or approximately 98.7 per cent. of the outstanding common stock of Indiana Service Corporation.

20. As of December 31, 1941, Indiana Service Corporation was indebted to Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, in the amount of $2,739,000, evidenced by 5% demand notes, plus accrued interest thereon in the amount of $1,129,927.40. These advances were made over a period of approximately four years, beginning on May 1, 1929 and ending on June 29, 1933.

It therefore appearing to the Commission, in the light of the foregoing, that it is appropriate and in the public interest, and in the interest of investors and consumers, to institute proceedings against Indiana Service Corporation, and Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, under sections 11 (b) (2), 15 (f), and 20 (a) of the Public Utility Holding Company Act of 1935, to determine whether certain orders should be entered pursuant to the provisions of said sections:

Wherefore, *It is ordered*, That proceedings be instituted pursuant to sections 11 (b) (2), 15 (f) and 20 (a) of the Act and that Indiana Service Corporation and Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, are hereby made respondents in these proceedings, and said respondents shall file with the Secretary of the Commission on or before the 24th day of November 1942, their answers admitting, denying or otherwise explaining their positions with respect to the allegations heretofore made in paragraphs 1 to 20 of this order. Such answers may also include a statement by respondents of their views as to what action, if any, should be taken to bring about a fair and equitable distribution of voting power among the security holders of Indiana Service Corporation; to restate the plant account, depreciation reserve, capital accounts, surplus and other accounts, so as to segregate, dispose of, and eliminate write-ups and intangibles in the plant, investment and other accounts, set up adequate reserves for retirements and depreciation of plant and property, and make other adjustments in conformity with the standards of the Public Utility Holding Company Act of 1935, with respect to Indiana Service Corporation; and to take such other action as may be necessary or appropriate under the provisions of sections 11 (b) (2), 15 (f), and 20 (a) of said Act with respect to said respondents.

It is further ordered, That a hearing be held on the 14th day of December, 1942, at 10 o'clock a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in room 318, for the purpose of determining the following matters and questions:

1. Whether voting power is unfairly or inequitably distributed among security holders of Indiana Service Corporation;

2. What action, if any, is necessary and should be required to be taken by Indiana Service Corporation, for the purpose of effecting an equitable distribution of voting power among its security holders;

3. Whether the debt owed by Indiana Service Corporation to its parent, the estate of Midland Utilities Company, is an unnecessary corporate complexity in the holding company system of the estate of Midland Utilities Company;

4. What action, if any, is necessary and should be required to be taken by respondents to ensure that the corporate structure of the holding company system, insofar as the relationship of the estate of Midland Utilities Company and Indiana Service Corporation is concerned, is not unduly complicated;

5. Under what circumstances the debt of Indiana Service Corporation owing to Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company arose, and whether it is permissible, necessary, or appropriate that said debt should be subordinated, in whole or in part, to the publicly held securities of Indiana Service Corporation, in the process of redistributing voting rights, if such redistribution is finally ordered;

6. What action, if any, is necessary and should be required to be taken by Indiana Service Corporation to restate its plant account, depreciation reserve, capital accounts, surplus and other accounts, so as to segregate, dispose of, and eliminate write-ups, intangibles or other inflationary items in the plant, investment or other accounts, set up adequate reserves for depreciation of plant and property, and make other adjustments in conformity with the standards of the Public Utility Holding Company Act of 1935; and

7. What other or further action, if any, should be required to be taken by the respondents to meet the requirements of sections 11 (b) (2), 15 (f), and 20 (a) of the Public Utility Holding Company Act of 1935.

At the outset of said hearing, consideration will be given to such issues, if any, as may arise from the allegations in paragraphs 1 to 20 hereof, in respondents' answers hereinbefore provided for, and in any other papers filed herein by interested persons. To the extent that any allegations set forth above are not controverted in the respondents' answers and are not controverted by any other interested person, such facts shall be deemed to be admitted for the purposes of this proceeding.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Indiana Service Corporation, and to Clarance A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, respondents, not less than 30 days prior to the date hereinbefore fixed within which respondents may file their answers; and that notice of the entry of this order and of said hearing is hereby given to all security holders of Indiana Service Corporation and of the Estate of Midland Utilities Company, to all consumers of said Indiana Service Corporation, to all states, municipalities and political subdivisions of states within which are located any of the utility assets of Indiana Service Corporation, to all state commissions, state securities commissions and all agencies, authorities or instrumentalities of one or more states, municipalities or other political subdivisions having jurisdiction over Indiana Service Corporation, or over any of the businesses, affairs or operations of said respondents, and to all other persons, such notice to be given by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER not later than 30 days prior to the date hereinbefore fixed within which respondents may file their answers.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10473; Filed, October 17, 1942; 11:38 a. m.]

[File No. 70-613]

ASSOCIATED ELECTRIC COMPANY ET AL.

NOTICE REGARDING FILING

In the matter of Associated Electric Company, Metropolitan Edison Company, Staten Island Edison Corporation, File No. 70-613.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of October 1942.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission by Associated Electric Company, a registered holding company; by Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company; and by Metropolitan Edison Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company; and

Notice is further given that any interested person may, not later than November 5, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pa. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. All interested persons are referred to said declarations or applications which are on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized as follows:

Associated Electric Company proposes to acquire $3,602,000 principal amount of it own 4½% bonds, refunding series, due April 1, 1956, from Metropolitan Edison Company, for a cash consideration of $1,548,860, plus accrued interest, the consideration being determined upon the basis of 43% of principal amount. It is further proposed that Associated Electric Company acquire $2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation, for a cash consideration of $955,460, plus accrued interest, the consideration also being determined upon the basis of 43% of principal amount. Application-declarants state that the consideration was determined on the basis of the estimated fair market value of the bonds to be acquired as of September 17, 1942 (the date of the offer of purchase). Among the factors stated to be considered in determining the consideration were the past and present market prices of the Associated Electric Company 4½% bonds, due January 1, 1953, and the size of the blocks involved. It is further stated that, as there are no publicly held bonds of the 1953 maturity, it was necessary to be guided by the market action with respect to the 1953 maturity.

Associated Electric Company states that it desires to consummate the transactions in order to reduce its outstanding funded debt with consequent saving in annual interest requirements. Metropolitan Edison Company and Staten Island Edison Corporation state that they desire to consummate the transactions in order to dispose of their cross-holdings of securities in the same holding company system, and that the cash proceeds will be used partially to retire their own presently outstanding indebtedness.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10493; Filed, October 19, 1942; 10:04 a. m.]

[File No. 1-2582]

GOLD SHARES, INC.

ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of October, A. D., 1942.

The Gold Shares, Inc. pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, 10¢ Par Value, from listing and registration on the San Francisco Mining Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, November 23, 1942, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10500; Filed October 19, 1942; 10:04 a. m.]